



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Fourth to ninth periodic reports of States parties
due in 2006

Saudi Arabia**

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Introduction

1. Pursuant to article 9(1) of the International Convention on the Elimination of All Forms of Racial Discrimination, to which it acceded under Royal Decree No. D/12 (20 August 1997), the Kingdom of Saudi Arabia submits a document consisting of its fourth to ninth periodic reports,¹ covering the period 2003-2013, to the Committee on the Elimination of Racial Discrimination.² The Kingdom has already submitted its first, second and third reports, which were discussed at the 1558th and 1559th meetings of the Committee (5 and 6 March 2003), and adopted the concluding observations of the 1580th meeting (20 March 2003). This report should be read in the light of those documents.

2. To help ensure that the Kingdom submits treaty reports on time and follows up the recommendations of treaty bodies, Supreme Order No. 13084 (18 January 2015) was promulgated, forming a standing committee made up of several government bodies³ and responsible for preparing the Kingdom's reports on human rights conventions. To save time and expedite submission, bearing in mind the period covered by the report and the Committee's concluding observations, certain information of a general nature that should appear in the Common Core Document is included in the present report. The standing committee will prepare the Kingdom's Common Core Document at a later date, in response to Nos. 3 and 23 of the Committee's concluding observations.

3. Royal Decree No. D/12 (19 August 1997) approves the accession of the Kingdom to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the implementation of those of its provisions which do not conflict with Islamic sharia law, in affirmation of the constitutional principle that Islamic sharia enjoins justice and equality and forbids discrimination and iniquity. The laws of the State, including treaties that have become part of statutory law by virtue of the accession of the Kingdom thereto, provide further affirmation.

4. It should be noted that all citizens of the Kingdom are Muslim. Islamic sharia forbids discrimination in respect of rights on grounds of race, colour or national or ethnic origin. All non-Muslims arriving in the Kingdom for purposes of business or work do so on the basis of fixed-term contracts. Article 41 of the Basic Law of Governance stipulates: "Residents of the Kingdom of Saudi Arabia shall observe its laws and respect the values, traditions and sensibilities of Saudi society." This is generally understood and receives the cooperation of all.

Method of reporting

5. This report was prepared by the standing committee responsible for reporting, mentioned in paragraph 2, above, assisted by several civil society organizations, within a framework of broad national consultation. The committee was anxious to adhere to the guidelines for preparing periodic reports and highlight the positive aspects and difficulties equally. In common with all reports relating to human rights conventions, the reporting process involved several stages, as follows:

¹ Referred to hereafter as "the report".

² Referred to hereafter as "the Committee".

³ The Committee consists of the ministries of justice, interior, foreign affairs, labour and social development, education, health, Islamic affairs, *dawah* and guidance, culture and information, as well as the Cabinet's Bureau of Experts, the Bureau of Investigation and Public Prosecution and the Human Rights Commission.

(a) **Preparation:** This stage focused on providing members of the standing committee responsible for reporting and representatives of civil society organizations with the essential knowledge and skills required to prepare treaty reports, through training courses and workshops. Under a memorandum of understanding on technical cooperation signed by the Kingdom of Saudi Arabia and the Office of the High Commissioner for Human Rights in 2012, a training course entitled, “Preparing reports on the International Convention on the Elimination of All Forms of Racial Discrimination” was held in Riyadh on 8 September 2015;

(b) **Information collection:** The committee prepared forms to solicit the information necessary for the report from the relevant government bodies. The forms were based on the provisions of the Convention, the reporting guidelines and the concluding observations of the Committee on the Kingdom’s first, second and third reports. The focus was on obtaining information reflecting the extent of compliance in practice with the provisions of the Convention. In addition, meetings were held with representatives of civil society organizations to discuss the information and benefit from their input;

(c) **Drafting:** This stage focused on including the general information, statistical data and analyses to help the Committee understand the general situation in the Kingdom. There was also a focus on the use of technical terminology to facilitate study and discussion of the report by the Committee;

(d) **National review and consultation:** Representatives of governmental and non-governmental bodies and interested individuals were invited to review and discuss the draft report. As a result, numerous amendments were made before the final version of the report was produced.

6. To help the Committee understand the nature of the situation in the Kingdom, the report contains certain general information on geographic and demographic aspects of the country, the political and legal system and the economic and social situation. It also contains information on the implementation of articles 1-7 of the Convention and the concluding observations of the Committee mentioned in paragraph 1 of the report. The response to each concluding observation will be given within the context of the relevant article of the Convention.

I. General information

This part covers concluding observations Nos. 3, 4 and 11 of the Committee.

A. Population

7. According to the most recent statistics, published in 2016, the population of the Kingdom of Saudi Arabia stood at 32,248,123, of whom 21,553,696 are Saudi. The rate of population growth is 2.41 per cent and population density is 16.1 per km². All citizens of the country are Muslim and Arabic is the official language. More than 7 million Muslims come to the Kingdom annually to perform the *hajj* and *umrah* pilgrimages. Moreover, it is toward the Kingdom that Muslims turn in prayer, given the presence of the two holy mosques on its territory. The country’s giant development projects, excellent job opportunities and economic environment make it a destination for migrant labour seeking to improve their standard of living.

B. Key economic, social and cultural indicators

GDP growth at constant prices in 2015 (2010 = 100)	3.35%
Per capita share of GDP at current prices in 2015	SAR 77,711 (USD 20,723)
Cost of living index (inflation) for 2015	132.9
Change in cost of living index (inflation) for 2015	2.20%
Unemployment rate among population aged 15 and over in second half of 2015	5.60%
Rate of infant mortality per 1,000 live births in 2015	15.2
Overall primary school enrolment rate	107.80%
Net primary school enrolment rate	97.90%
Economic participation rate of population aged 15 and over in second half of 2015	54.00%
Employment rate of population aged 15 and over in second half of 2015	94.40%
Saudi workforce as a proportion of total workforce in second half of 2015	46.20%
Saudi workers as a proportion of all workers in second half of 2015	43.30%
Workers as a proportion of total population in second half of 2015	36.20%
Saudi workers as a proportion of total Saudi population in second half of 2015	23.40%
Unemployed as a proportion of total population in second half of 2015	2.10%
Saudi unemployed as a proportion of total Saudi population in second half of 2015	3.00%

C. Political system in the Kingdom

General principles

8. All affairs in the Kingdom of Saudi Arabia are governed by Islamic sharia. This unshakeable constant is affirmed by the Basic Law of Governance, promulgated by Royal Order No. O/90 (2 March 1992), which clarifies the form of the State, the principles underpinning it, the State authorities and their powers and the rights and duties of individuals. Thus article 1 stipulates: “The Kingdom of Saudi Arabia is a fully sovereign Arab Islamic State. Its religion is Islam and its Constitution is the Book of God and Sunnah of His Apostle. Its language is Arabic and its capital is the city of Riyadh.” The Kingdom is a monarchy. Thus article 5(1) of the Basic Law states: “The system of governance in the Kingdom of Saudi Arabia is monarchical.” The King is responsible for overseeing the application of Islamic sharia; thus article 55 states: “The King shall conduct the affairs of the nation lawfully in accordance with the dictates of Islam. He shall supervise the implementation of Islamic sharia, the law and general policy of the State and ensure the protection and defence of the nation.” Under article 6, allegiance is pledged to the King on

the basis of the Koran and the Sunnah: “Citizens shall pledge allegiance to the King on the basis of the Book of God and the Sunnah of his Apostle”.

9. Article 7 of the Basic Law stipulates: “Governance in the Kingdom of Saudi Arabia derives its authority from the Book of God and the Sunnah of his Apostle, both of which govern this Basic Law and all other State laws.” Governance in the Kingdom is based on principles and values – justice, consultation and equality – that ensure prosperity, protect human rights and regulate human life. These principles and values are enjoined by Islamic sharia. Thus article 8 stipulates: “Governance in the Kingdom of Saudi Arabia is based on justice, consultation and equality in accordance with Islamic sharia.”

Regulation of State authorities

10. Article 44 of the Basic Law of Governance sets out the authorities of the State: the judicial authority, executive authority and regulatory authority. These authorities shall cooperate in performing their functions. The following is a brief review of the principles regulating these authorities and an explanation of their functions:

Judicial authority

11. The judiciary in the Kingdom of Saudi Arabia derives its authority and principles from Islamic sharia. Islamic sharia enjoins justice, making it the foundation of decision-making, and guarantees judicial independence. Article 46 of the Basic Law of Governance stipulates: “The judiciary is an independent authority and, in their administration of justice, judges are independent and subject to no authority save Islamic sharia”. Article 1 of the Judiciary Act further stipulates: “Judges are independent and, in their administration of justice, are subject to no authority save the provisions of Islamic sharia and the legislation in force. No one may interfere with the administration of justice.” Article 48 of the Basic Law of Governance stipulates that the courts shall apply the provisions of Islamic sharia to the cases brought before them, guided by the Koran and Sunna and such laws as may be promulgated by the authorities that do not conflict with the Koran and Sunna. Article 49 states that courts in the Kingdom shall adjudicate all disputes and crimes save cases that come under the jurisdiction of the Board of Grievance. The King or his representative is responsible for the enforcement of judicial rulings. Thus article 50 states: “The King or his representative shall be responsible for the enforcement of judicial rulings.”

12. One of the most significant measures taken by the Kingdom has been to develop the judicial system in order to promote justice and achieve best practice in the sphere of litigation. Thus Royal Decree No. D/78 (1 October 2007) was promulgated, approving a new Judiciary Act and Board of Grievance Act and a procedural mechanism for each. The Judiciary Act created first degree courts, composed of general courts, criminal courts, personal status courts, commercial courts and labour tribunals. It also created courts of appeal and a High Court, responsible for reviewing the soundness and enforcement of verdicts. Furthermore, it formed the Supreme Judicial Council. The Act clarifies the competence and jurisdiction of the courts, as well as the rights and duties of judges; it defines how judges are to be inspected. It further defines the competence of the Ministry of Justice and the duties and competence of notaries public. Under its eponymous act, the Bureau of Investigation and Public Prosecution (the public prosecution service) prosecutes cases before judicial bodies, appeals verdicts, oversees enforcement of verdicts, supervises and inspects prisons and detention centres, receives complaints from prisoners and detainees and investigates the legitimacy of their imprisonment or detention and the legitimacy of their remaining in prison or detention beyond the set term.

13. The Board of Grievance has jurisdiction to hear administrative cases. The Board of Grievance Act explains the formation of the Administrative Judicial Council and the conversion of Board of Grievance courts into administrative courts, administrative appeal

courts and the Higher Administrative Court. It clarifies the jurisdiction of each of these courts and questions of the appointment and level of court judges. The Control and Investigation Board conducts investigations into administrative and financial irregularities and monitors cases referred to the Board of Grievance under the Control and Investigation Board Act.

Regulatory (legislative) authority

14. In the Kingdom of Saudi Arabia, the regulatory authority consists of the King, Cabinet and Consultative (Shura) Council. Article 55 of the Basic Law of Governance states: “The King shall conduct the affairs of the nation lawfully in accordance with the dictates of Islam. He shall supervise the implementation of Islamic sharia, the law and general policy of the State and ensure the protection and defence of the nation.” The Cabinet and Shura Council are responsible for the promulgation of laws and regulations. Thus article 67 stipulates that the regulatory authority shall formulate laws and regulations to achieve the public interest and remove corruption in affairs of State in accordance with the principles of Islamic sharia; it shall exercise its mandate in accordance with this Law and the laws of the Cabinet and Shura Council”.

Executive authority

15. The Cabinet is responsible for managing the internal and external affairs of State. Article 56 of the Basic Law of Governance states: “The King presides over the Cabinet. He shall be assisted in the discharge of his duties by the members of the Cabinet in accordance with the provisions of this and other laws. The Cabinet Act shall set out the powers of the Council in relation to internal and foreign affairs, the organization of government agencies and coordination between them. It shall also set out the conditions for appointment which ministers must meet, their powers, ways of holding them to account and all matters pertaining thereto”. Article 58 states that ministers and the heads of independent agencies are responsible to the King for their ministries and agencies. To ensure that the performance of the regulatory (legislative) and executive authorities is up to standard and to promote the principle of consultation, the King may summon the Shura Council and Cabinet to a joint session, pursuant to article 69 of the Basic Law of Governance.

D. Statutory and institutional framework of human rights in the Kingdom

(a) Laws, regulations, orders, decisions and ordinances

16. The laws of the Kingdom contain provisions explicitly designed to promote and protect human rights. Chief among these are the Basic Law of Governance, Judiciary Act, Board of Grievance Act, Criminal Procedure Act and other judicial acts. Laws on employment, health, education, social insurance etc., as well as a range of other laws, regulations, orders, decisions and ordinances, include provisions that elaborate in detail the principles contained in the Basic Law of Governance. There follows a review of those principles and provisions in the Basic Law of Governance which protect human rights and a listing of the most significant laws, decisions and regulations which, together, constitute the statutory framework of human rights in the Kingdom.

Basic Law of Governance

17. The Basic Law of Governance contains core principles and provisions designed to promote and protect human rights. These principles and provisions constitute, in sum, the statutory framework of human rights. Article 26 of the Basic Law of Governance states: “The State shall protect human rights in accordance with Islamic sharia”. The Basic Law affirms a range of human rights, including the right to justice and equality. Thus article 8

states: “Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia”. As regards the right to resort to the courts and the right to equality before the courts, article 47 stipulates: “The right of litigation is guaranteed equally for citizens and residents of the Kingdom”. Given that the right to security is the cornerstone of all human rights and that its application should not affect the right to liberty, article 36 states categorically: “The State shall provide security for all its citizens and persons resident in its territory. A person’s movement may not be restricted, nor may he be detained or imprisoned except under the provisions of the Law”. As regards the right to private property and personal freedom, article 18 stipulates: “The State guarantees the freedom to own private property and the inviolability of such property. No-one shall be deprived of his property except in the public interest and with the proviso that the owner be fairly compensated”. Article 37 states: “The home shall be inviolable and may not be entered or searched without the owner’s permission save in cases to be set out in law”. Article 40 stipulates: “Telegraphic and postal correspondence, telephone conversations and other means of communication shall be protected. They may not be seized, delayed, viewed or listened to except in cases to be set out in law”. As regards social security and insurance, article 27 stipulates: “The State guarantees the right of the citizen and his family in the event of emergency, sickness, disability and old age. The State shall support the social security system and encourage institutions and individuals to participate in charitable activity”. Furthermore, the Law regulates the right to work. Thus article 28 states: “The State shall facilitate employment for every able-bodied person and enact laws to protect the rights of workers and employers”. As regards education, article 30 stipulates: “The State shall provide public education and undertake to combat illiteracy”. As regards the right to health, article 31 stipulates: “The State shall be responsible for public health and provide all citizens with health care”. On cultural participation, article 29 stipulates: “The State shall foster science, the arts and culture, encourage scientific research, protect Islamic and Arab heritage and contribute to Arab, Islamic and human civilization”. While affirming freedom of opinion and expression, article 39 upholds the provisions of Islamic sharia which forbid giving offence and insulting another’s dignity – in a manner consistent with international standards that observe the principle of statutory limitation to freedom of opinion and expression in order to protect core human rights: “The media, press and all other means of expression shall use polite language and abide by the laws of the State. They shall contribute to educating the nation and supporting its unity. Whatever leads to sedition or division, undermines the security of the State and its public relations or offends human dignity and rights shall be prohibited. The law shall clarify how this is to be achieved”. Regarding the right to a decent environment, article 32 stipulates: “The State shall endeavour to protect, conserve and improve the environment and stop pollution”.

Protection from Abuse Act

18. The Protection from Abuse Act, promulgated by Royal Decree No. D/52 (21 September 2013), seeks to ensure protection from all types of abuse; provide victims with help, treatment and shelter as well as social, psychological and medical care; hold to account and punish perpetrators; raise community awareness about the nature of abuse and its effects; and address the behavioural phenomena symptomatic of an environment conducive to the occurrence of abuse. The Act requires anyone who becomes aware of a case of abuse to report it immediately: a special provision requires any public servant, civilian or military, and any private sector employee who becomes aware of a case of abuse in the course of his work to report it at once to his employer, who in turn must report it immediately to the appropriate body or the police. The identity of the person reporting the abuse may only be revealed with his consent or in cases specified by the implementing regulation.

Child Protection Act

19. The Child Protection Act, promulgated by Royal Decree No. D/14 (25 November 2014), represents the legal framework protecting all persons under the age of 18. The Act is designed to address all forms of abuse and neglect to which children may be exposed in their environment and to protect the rights of the child established by Islamic sharia, statutory law and the international conventions to which the Kingdom is party. The Act criminalises a number of acts which it holds to constitute abuse or neglect of the rights of the child. These include causing a child to abandon his/her education, the mistreatment, harassment or exploitation of a child, the use of abusive language that demeans a child's dignity and discrimination against a child on ethnic, social or economic grounds. At the same time, the Act bans the production, publication, display, circulation and possession of any materials aimed at children and designed to titillate in such a way as to make behaviour contrary to Islamic sharia, public order or public decency appealing.

Care for the Disabled Act

20. Promulgated by Royal Decree No. D/37 (19 December 2000), the Care for the Disabled Act reinforces and protects the rights of persons with disabilities. The Act defines "disabled" and "disability" and moves beyond considerations of treatment to address prevention. Article 2 stipulates that the State shall guarantee the right of persons with disabilities to welfare, preventive and rehabilitation services and shall encourage institutions and individuals to participate in charitable work for the disabled. The Act is consistent with the relevant international standards.

Printed Materials and Publication Act

21. Promulgated by Royal Decree No. D/32 (29 November 2000), the Printed Materials and Publication Act protects freedom of opinion and expression, while at the same time reinforcing the principle of statutory restriction of freedom of expression consistent with the relevant international standards, thereby protecting the rights of others and ensuring that they are not infringed. The Act was amended recently and its provisions updated.

Anti-Trafficking in Persons Act

22. Promulgated by Royal Decree No. D/40 (14 July 2009), the Anti-Trafficking in Persons Act conforms to international and regional standards on combating crimes of trafficking in persons. The Act not only prohibits all the forms of human trafficking stated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) but adds other forms over and above those stipulated therein, namely conducting medical experiments and begging. The Act defines the criminal features of human trafficking and specifies punishment of up to 15 years imprisonment and a fine of up to SAR 1 million (equivalent to USD 266,000); harsher penalties apply if the victim is a woman or child. The Act further affirms the principle of the irrelevance of consent on the part of the victim in respect of any crime under the Act.

Enforcement Act

23. Promulgated by Royal Decree No. D/53 (3 July 2012), the Enforcement Act is ancillary to the Judiciary Act and was promulgated to ensure prompt follow-up and enforcement of judicial rulings under the Family Status Act and in cases involving money. The enforcement judge has the authority to order compulsory enforcement and supervise enforcement proceedings. He is also competent to rule in enforcement disputes, regardless of the amount involved, and to issue decisions and orders relating to enforcement. He may call upon the competent authorities for assistance. The Enforcement Act hands enforcement

of rulings, decisions and instruments notarised in foreign countries to the enforcement judge.

Civil Society Organizations and Institutions Act

24. Promulgated by Royal Decree No. D/8 (1 December 2015), the Civil Society Organizations and Institutions Act is designed to regulate, develop and protect civil society activity, contribute to national development, promote the participation of citizens in shaping and developing society, foster a culture of voluntary work among members of society and achieve social solidarity. The Act gives the Ministry of Labour and Social Development the power to licence, develop and subsidize organizations and institutions. Article 25 of the Act stipulates that associations whose goal is to achieve the public interest, including the promotion of human rights, may operate as public welfare associations. Article 26(1) forbids seizure of the funds of public welfare associations without a court order. To facilitate the process, Article 8 states that an application to set up an association shall be submitted by not less than ten Saudi natural or corporate persons and that the Ministry of Labour and Social Development shall respond to the application within 60 days from the date of completing the application procedures.

Unemployment Insurance Act

25. Promulgated by Royal Decree No. D/18 (13 January 2011), the Unemployment Insurance Act guarantees to provide an unemployed worker with an allowance in accordance with specific rules, without discrimination, until he is able to re-enter employment.

Regulation on Domestic Service Workers and the Like

26. Promulgated by Cabinet Decision No. 310 (15 July 2013), this seeks to regulate the relationship between employer and domestic service worker by clarifying the rights and obligations of both parties. A key feature of the Regulation is that it prohibits an employer from assigning a domestic service worker to a job that has not been agreed in the contract, is hazardous to health or violates the worker's dignity. Furthermore the employer may not force the worker to work for a third party. The employer is obliged to pay the worker the agreed wage without delay at the end of each month; the worker's receipt of his monthly wage is to be confirmed in writing. The domestic service worker must be provided with suitable accommodation and allowed to enjoy a daily rest period and weekly leave, to be agreed by both parties. In the event of sickness, the worker is entitled to sick leave with pay. If he/she has completed two years' in the service of the employer, the worker shall be entitled to a month's paid leave and if he/she has completed four years' in the service of the employer, he/she is entitled to an end of service bonus upon expiry of the contract. The Regulation requires the domestic service worker to respect the teachings of the Islamic religion, the laws of the land and the culture of Saudi society and to perform his job as agreed in the contract of employment with the employer. The Regulation also covers penalties for breach of contract by the parties to the relationship.

27. In addition to the regulatory foundations, there are numerous royal and supreme orders and Cabinet decisions which have increased the resilience of the statutory framework of human rights. The most significant of these are:

- Royal Order No. O/20 (29 November 2014), forming a committee of specialists to prepare a draft Code of Judicial Rulings on sharia matters relating to the judiciary, to be classified by subject on the basis of the categories of Islamic jurisprudence;

- Cabinet Decision No. 166 (9 October 2000), concerning the rules pertaining to the relationship between employer and migrant worker and including the following provisions:
 - Affirmation that the contract of employment concluded between an employer and migrant worker is the regulatory basis of the contractual relationship between them;
 - The employer may not retain a migrant worker's passport or the passports of the members of his family;
 - The migrant worker may move freely within the Kingdom as long as he holds a valid residence permit;
 - The migrant worker may contact the appropriate governmental and non-governmental bodies to obtain the services to provide a decent life for himself and his family;
 - Wherever it appears, the term "sponsor" shall be deleted and replaced with the term "employer";
- Cabinet Decision No. 120 (30 June 2004), affirming the following:
 - Government offices that issue business licenses shall accept licence applications from women to enable them to set up in business;
 - Women's units and sections shall be created in all agencies that provide services for women;
 - The relevant bodies shall set aside plots of land or areas within city boundaries and make these ready for manufacturing projects employing women;
 - The Council of Saudi Chambers of Commerce and Industry shall form a committee of skilled and competent women;
- Supreme Order No. 8382 (28 October 2008), approving a number of recommendations relating to women's rights, the most significant of which are:
 - Draw on other countries' experience of women's courts;
 - Create women's sections in courts and notary public offices under the supervision of an independent women's department;
 - Implement measures to address procrastination on women's rights; seek to prevent any violence to which a woman may be exposed for bringing legal action and punish proven offenders;
 - Respond to complaints from women and create a clear and robust method for receiving, investigating and processing complaints;
- Cabinet Decision No. 406 (12 November, 2012), approving the transfer of sponsorship of the children of a Saudi woman married to a foreign man to their mother, if they are resident in the Kingdom; if resident abroad, the mother shall have the right to bring them to the country and the State shall pay their residence fees. They shall be allowed to work in the private sector without transfer of sponsorship and treated as Saudis in respect of the entitlement to education and health care. They shall be counted as Saudi under the private sector Saudization programme. Furthermore, a Saudi woman married to a foreign man shall be allowed to send for her husband, if he is outside the country, or transfer his sponsorship to her, if he is

resident in the Kingdom and so wishes. He shall be allowed to work in the private sector on condition that he holds a recognized passport;

- Cabinet Decision No. 192 (17 May 2010), approving the rules pertaining to the status of the overseas Saudi children of a Saudi father and non-Saudi mother, is designed to remedy the status of Saudi children living in want and neglect abroad because their father rejects or refuses to acknowledge them. The Decision requires the father, if he acknowledges his children, to regularize their status in accordance with the instructions issued to this effect. If he is unable to support his children financially, they will be referred to the Saudi Charitable Society for the Welfare of Saudi Families Abroad (Awasser) or similar charity, which will provide a monthly allowance. If the father rejects or refuses to acknowledge the children, the mother should submit the necessary documentation proving that she is married to him and that the children he rejects are the issue of the marriage. The relevant body or Saudi representation in the mother's country may then apply for the status of the children to be regularized. If notification denying paternity is received from the father or person acting on his behalf, the mother will be informed. If she continues to maintain that they are his children, she may bring legal action to establish paternity. If paternity is established, the father or person acting on his behalf must comply with the court ruling and regularize the legal status of his children, under the rules of the foreign country concerned. If the father refuses to acknowledge his children despite paternity having been established, he shall be compelled by law to regularize their status and support them financially. If he is unable to support them, the family will be registered with the Saudi Charitable Society for the Welfare of Saudi Families Abroad or similar charity for financial help in accordance with its charter.

(b) Instruments and conventions ratified or acceded to by the Kingdom of Saudi Arabia

28. The Kingdom of Saudi Arabia is party to a number of regional and international human rights conventions. The principal instruments and conventions which the Kingdom has ratified or acceded to are as follows:

1. Convention on the Rights of the Child, by Royal Decree No. D/7 (12 September 1995);
2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by Royal Decree No. D/11 (8 August 1997);
3. International Convention on the Elimination of All Forms of Racial Discrimination, by Royal Decree No. D/12 (20 August 1997);
4. Convention on the Elimination of All Forms of Discrimination against Women, by Royal Decree No. D/25 (28 August 2000);
5. Covenant on the Rights of the Child in Islam, by Royal Decree No. D/54 (20 September 2006);
6. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, by Royal Decree No. D/56 (26 June 2007);
7. Convention on the Rights of Persons with Disabilities and Optional Protocol thereto, by Royal Decree No. D/28 (27 May 2008);
8. Arab Charter on Human Rights, by Royal Decree No. D/19 (24 March 2009);
9. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by Royal Decree No. D/38 (30 June 2010);

10. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, by Royal Decree No. D/39 (30 June 2010).
29. The Kingdom is party to 16 conventions of the International Labour Organization, principally:
1. Forced Labour Convention, 1930 (No. 29), by Royal Decree No. D/15 (20 February 1978);
 2. Equal Remuneration Convention, 1951 (No. 100), by Royal Decree No. D/15 (20 February 1978);
 3. Abolition of Forced Labour Convention, 1957 (No. 105), by Royal Decree No. D/15 (20 February 1978);
 4. Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by Royal Decree No. D/15 (20 February 1978);
 5. Worst Forms of Child Labour Convention, 1999 (No. 182), by Royal Decree No. D/3 (16 April 2001);
 6. Minimum Age Convention, 1973 (No. 138), by Royal Decree No. D/37 (28 April 2013).

(c) Human rights institutions

30. Alongside official government bodies basically concerned with fostering human rights in their own field, numerous governmental institutions have been established and approval given for the establishment of non-governmental institutions that are concerned with protecting and promoting human rights in general or particular human rights. These institutions include:

Human Rights Commission

31. The Human Rights Commission was established pursuant to Cabinet Decision No. 207 (12 September 2005). Reporting directly to the King,⁴ it is a government body that seeks to protect and promote human rights in accordance with international standards in the light of Islamic sharia. Its charter grants it wide-ranging powers to carry out its duties freely and independently; the most important of these are:

- To ensure that the relevant government bodies implement human rights laws and regulations and to bring to light any human rights abuses;
- To express an opinion on human rights bills;
- To monitor government bodies to ensure application of the international human rights conventions to which the Kingdom has acceded and to ensure that these bodies are taking the necessary enforcement measures;
- To visit prisons and detention centres at any time, without notice, and submit reports thereon to the King;
- To receive complaints relating to human rights, investigate the veracity thereof and take the statutory measures;

⁴ A Cabinet decision was issued on 14 March 2016, amending several articles regulating the Human Rights Commission.

- To formulate general policy on developing human rights awareness.

32. It should be noted that the Commission submits reports on the human rights situation in the Kingdom. These reports contain observations on the implementation by government agencies of the Kingdom's obligations under international human rights conventions, as well as observations on the complaints the Commission receives. The 2012 report contained 75 recommendations. These were studied by a government committee and appropriate mechanisms for implementation were formulated.

King Salman Centre for Relief and Humanitarian Works

33. Established on 12 May 2015, the King Salman Centre for Relief and Humanitarian Works is devoted to international relief and humanitarian works. It operates a set of programmes, designed in accordance with the most up-to-date global models that represent an extension of the vital role played by the Kingdom's existing relief and aid programmes for disaster-affected communities. It seeks to help such communities, relieve their suffering and enable them to lead a decent life. It further seeks to consolidate the Kingdom's overseas aid activity and coordinate the activities of all governmental and non-governmental aid bodies in the country. "Operation Restoring Hope", aimed at helping the fraternal Yemeni people, is the first of the Centre's programmes.

National Society for Human Rights

34. The National Society for Human Rights is a national, non-governmental institution with no links to any government agency, enjoying complete independence in all its affairs and with a mandate is to protect, promote and defend the human rights of citizens, residents and visitors. It works in collaboration with government bodies, non-governmental associations and international organizations to achieve the goals for which it was established, in accordance with its charter. Its main duties are:

- To ensure implementation of those elements of the Basic Law of Governance and the Kingdom's laws that relate to human rights;
- To ensure that the Kingdom fulfils its human rights commitments in accordance with international and regional human rights standards;
- To receive complaints, follow these up with the authorities and investigate cases of human rights abuses.

The Society publishes annual reports on the situation of human rights in the Kingdom. It should be noted that, on 14 February 2015, the Society amended its charter in line with the Paris Principles (1993).

Family Security Programme

35. The Family Security Programme, set up under Supreme Order No. 11471 (18 November 2005), is a national, non-governmental programme designed to protect against domestic violence. It monitors and studies cases of abuse and notifies the relevant authorities accordingly; it also seeks to raise awareness of the damage caused by violence. One of its mechanisms is a national register of cases of the abuse and neglect of children in the Kingdom known to the health authorities. It is an advanced, centralized electronic register in which demographic, diagnostic and treatment data and referrals by child protection centres are entered directly via the internet whenever cases of abuse and neglect are observed. The register is continuously updated to produce annual statistics that help to form an integrated vision for those responsible for making child protection strategies in the Kingdom. The child support hotline (116111), designed to help and support children under

the age of 18 who are at risk of abuse or neglect, is one of the key mechanisms implemented under the Programme.

Standing Committee to Combat Trafficking in Persons

36. The Committee was formed as part of the Human Rights Commission, pursuant to Cabinet Decision No. 244 (13 July 2009). With membership consisting of a number of government bodies, the Committee is a key element in implementing the Anti-Trafficking in Persons Act. It has the following duties:

- To monitor the situation of victims and ensure they are not further abused;
- To formulate policy encouraging active research on victims; to train law enforcement officers in how to recognize victims;
- To coordinate with the relevant authorities on repatriating victims to the State whose nationality they hold or to their place of residence in another State, if so requested;
- To recommend that a victim remain in the Kingdom and his legal status be regularized to enable him to work, if the situation requires.

National Committee for Childhood

37. The National Committee for Childhood was formed pursuant to Cabinet Decision No. 238 (17 October 2005). It is a government body concerned with proposing and monitoring implementation of general policies and strategic plans to care for and protect children and with formulating child welfare programmes and schemes in coordination with government bodies.

King Abdulaziz Centre for National Dialogue

38. Established pursuant to Supreme Order No. 339 (24 July 2003), the King Abdulaziz Centre for National Dialogue seeks to address national issues, principally human rights issues, through transparent and objective dialogue in which members of society from all walks of life take part. Its goals include the creation of an environment conducive to the exercise of the right of freedom of opinion and expression.

(d) Equality, non-discrimination and means of redress

39. All the Kingdom's laws derive from Islamic sharia, which enjoins equality and forbids iniquity and racism. God said: "O people! We have created you male and female and made you nations and tribes that you may know one another. The noblest of you in the sight of God is the best in conduct."⁵ And the Prophet, in his farewell pilgrimage sermon, considered to be the first declaration of human rights for all mankind said: "O people! Your Lord is one and your father is one. All of you are from Adam and Adam is from the earth. The noblest of you in the sight of God is the most pious and there is no superiority of Arab over non-Arab save by piety." Thus has the Kingdom made equality one of the principles on which governance is based (see article 8 of the Basic Law of Governance, above). All the country's human rights-related laws are based on the principle of equality. All forms of discrimination, including racial discrimination are outlawed and all government agencies are required to promote and protect human rights and to provide redress, without regard to religion, race, gender or nationality. If any agency or its representative fails to enforce a right, the person whose right is violated may file a complaint with any of the following:

⁵ Koran XLIX: 13.

- Relevant government departments;
- Governmental and non-governmental human rights organizations;
- Provincial governors: article 7(c) of the Provincial Administration Act, promulgated by Royal Order No. O/92 (2 March 1992), states that provincial governors (princes) shall guarantee the rights and freedoms of individuals and take no measures to infringe these rights and freedoms except within the limits stipulated in sharia and statutory law;
- The *majlis* (audience chamber) of the King or Crown Prince: article 43 of the Basic Law of Governance stipulates: “The *majlis* of the King and of the Crown Prince shall be open to every citizen and to everyone with a complaint or grievance. Every individual shall have the right to address public authorities regarding his affairs”;
- Various judicial bodies, including any court within the public judicial system, any administrative court within the Board of Grievance system (the administrative judiciary) and the Bureau of Investigation and Public Prosecution (the public prosecution service).

(e) Tenth Development Plan

40. The Tenth Development Plan (2015-2019) contains a number of goals and policies designed to promote and protect human rights and reinforce the link between development and the person – the central subject of the development process – as set out in the Declaration on the Right to Development (1986). The Plan’s key goals and policies are as follows:

- Promoting national unity, a goal that includes a range of policies, chiefly: instilling the concepts of moderation and dialogue, promoting the principles of justice and equality and protecting human rights;
- Empowering women socially, economically and administratively and increasing their involvement in all areas of development;
- Fostering institutional reform, supporting civil society institutions and raising the competence and productivity of State agencies and staff;
- Improving the efficiency of the public services and utilities provided to the people and increasing capacity in all regions;
- Providing accessible, comprehensive, high quality and integrated health care for the entire population;
- Facilitating access of citizens to decent housing by offering a range of programmes and options designed to meet demand;
- Providing adequate and suitable job opportunities for Saudis and curbing unemployment;
- Strengthening social security networks and ensuring the welfare of families and children;
- Fostering cultural life and developing media activity by supporting book publishing, translation and production and enriching public libraries with a range of cultural products.

(f) Saudi Vision 2030

41. On 25 April 2016, Cabinet Decision No. 308 was promulgated, approving “Saudi Vision 2030”, consisting of wide-ranging economic and social development plans and

programmes designed to make the Kingdom a pioneering and successful global model of excellence on all fronts. The principal means and mechanisms by which the vision will be realised include the launch of specific programmes, including the Government Restructuring Programme, Strategic Directions Programme, Regulations Review Programme, Performance Management Programme and Strategic Transformation Programme. While Saudi Vision 2030 has, broadly speaking, a close connection to human rights, being designed to achieve objectives that reflect positively on the human rights situation in the Kingdom, it also addresses a number of human rights explicitly. These include the right to security, the right to health, the right to education and training and the right to work, as well as protection of the family, the empowerment of women and their participation in political and public life, the freedom to form and support associations and the right to participate in cultural, sporting and leisure activities.

II. Information on the Kingdom's implementation of its commitments under the Convention and the Committee's concluding observations

Article 1

42. Islamic sharia enjoins justice and equality in respect of rights and duties and forbids all forms of racial discrimination. Indeed, racial discrimination is specifically forbidden under sharia law by the Prophet's statement, "*Leave it, it stinks*".⁶ Accordingly, the principles and provisions of the Basic Law of Governance guarantee justice and equality: "Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia" (art. 8).

43. Upon the Kingdom's accession, the Convention became an indivisible part of national law, with the same legal force as the Kingdom's ordinary laws. Ratification of and accession to conventions are effected by the same legal instrument that promulgates the country's ordinary laws – i.e. royal decree, in accordance with article 70 of the Basic Law of Governance, which states: "Laws, treaties, international conventions and concessions shall be promulgated and amended by royal decree". Furthermore, the royal decree which approved accession to the Convention states that the First Deputy Prime Minister and ministers – each in his own sphere of competence – shall be responsible for implementation. This is supported by article 11(1) of the procedures for concluding international conventions, promulgated by Cabinet Decision No. 287 (26 July 2010), which states that, once a convention comes into force, the authorities are required to take the measures necessary for implementation to ensure that the Kingdom meets all its obligations arising from accession.

Article 2 and concluding observation No. 24

44. Article 26 of the Basic Law of Governance states: "The State shall protect human rights in accordance with Islamic sharia", while article 8 states: "Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia". To ensure the implementation of these and other principles, mechanisms of oversight and redress have been established. Chief among these is the judiciary, which is the principal guarantor of human rights, including the right to equality

⁶ i.e. it is rotten – used to indicate contempt for something.

and non-discrimination. Guaranteeing equality before the law for all without discrimination, article 47 of the Basic Law of Governance states: “The right of litigation is guaranteed equally for citizens and residents of the Kingdom”. Affirming the substance of this report and the Kingdom’s previous reports, article 1 of the Civil Service Act (1977) states that staff are selected to occupy public positions on the basis of merit. As such, there is no statutory impediment to appointing any citizen to a public post or senior position in the State. Article 3 of the Employment Act, promulgated by Royal Decree No. D/51 (27 September 2005) states that every citizen has the right to work and citizens are equal in respect of this right. Article 2 of the Health Act states: “This Act is designed to ensure the provision of comprehensive and integrated health care for the whole population in an equitable, accessible and orderly manner”. Article 5 of the Health Professions Act stipulates: “Health care workers shall exercise their profession in the interests of the individual and society, with respect for the right to life, security and dignity. In the course of their work they shall observe the customs and traditions of the Kingdom and avoid exploitation”.

45. As noted in paragraph 41, above, one of the goals of the Tenth Development Plan (2015-2019)⁷ is to foster national unity, which will help to promote equality and combat racial discrimination. This goal includes the following policies:

- Implanting the values of citizenship and national belonging in all groups in society;
- Instilling the concepts of moderation and intellectual dialogue and fostering their role in addressing national issues;
- Fostering and deepening the principles of justice and equality in all groups in society;
- Protecting and spreading awareness of human rights in the light of the teachings and provisions of Islamic sharia.

46. Article 9 of the Printed Materials and Publication Act forbids dissemination of material that violates Islamic sharia and the laws in force, stirs up xenophobia, spreads disunity among citizens, encourages or incites criminal activity or undermines public order. Article 3 of the Anti-Cyber Crime Act, promulgated by Royal Decree No. D/17 (26 March 2007), provides for a term of imprisonment of not more than one year and/or a fine of not more than SAR 500,000 (equivalent to USD 133,000) for publicly slandering and causing harm to others by means of information technology. Article 6 provides for a term of imprisonment of not more than five years and/or a fine of SAR 3 million (equivalent to USD 800,000) for the production, preparation, transmission or storage of material harmful to public order, religious values, public decency or the sanctity of private life via the internet or on a computer network. Consequently, the laws of the Kingdom prohibit individuals or organizations from sponsoring racial discrimination.

47. It should be noted that racial discrimination on the part of public officials is considered an abuse of power and is forbidden by the laws of the Kingdom. Article 2 of the Criminal Procedure Act, promulgated by Royal Decree No. D/2 (26 November 2013), prohibits the physical or mental abuse of a person under arrest or subjecting him to degrading treatment. Article 36 requires that a detainee be treated in a manner that preserves his dignity; he may not be physically or mentally abused. Article 2 of Royal Decree No. 43 (17 June 1958) punishes the act of profiting from one’s position, the abuse of power in criminal cases, violation of human rights or abuse or coercion in the name of the job. Article 28 of the Imprisonment and Detention Act, promulgated by Royal Decree

⁷ This information covers part of the Committee’s concluding observation No. 12.

No. D/31 (29 May 1978) prohibits any kind of assault against prisoners or detainees and allows disciplinary measures to be taken against military or civilian personnel who commit such assault.

48. Abuse and harassment are liable to occur in detention centres and may sometimes take the form of discrimination. The body responsible for monitoring prisons and detention centres is the Bureau of Investigation and Public Prosecution (the public prosecution service). In implementation of articles 38, 39 and 40 of the Criminal Procedure Act, specialists from the Bureau make periodic visits to prisons, receive complaints from prisoners and detainees and take the statutory measures with regard to proven abuses. The Bureau has 101 special departments, with a staff of 246, who make inspection tours of prisons and detention centres during and outside working hours and at weekends. The following schedule shows the number of visits made by the Bureau to prisons and detention centres between 2013 and 2015 and number of cases investigated:

Detention facilities

<i>Year</i>	<i>No. of visits</i>	<i>No. of cases investigated</i>
2013	29 866	208 140
2014	25 302	205 955
2015	24 822	183 426

Prisons

<i>Year</i>	<i>No. of visits</i>	<i>No. of cases investigated</i>
2013	12 422	109 949
2014	11 849	107 394
2015	12 690	89 188

49. The Human Rights Commission also visits prisons and detention centres, as follows:

Total visits 2012-2015

<i>Body</i>	<i>No. of visits</i>	<i>No. of prisoners or detainees interviewed</i>
Prisons of the General Investigation Directorate	545	1 937
General prisons; detention and custody centres	464	959
Total	2 896	2 896

50. The National Society for Human Rights made 119 visits to prisons and detention centres in a number of cities up to 2013.

51. Permanent offices of the Bureau of Investigation and Public Prosecution, Human Rights Commission and National Society for Human Rights have been established inside prisons, where staff receive complaints from prisoners and detainees and take action to address these promptly and directly. Closed circuit television monitoring has been installed in interrogation rooms to increase confidence in the integrity of interrogation procedures. In addition, article 16 of the Criminal Procedure Act guarantees the right of a victim to bring legal action against the perpetrator: "The victim, his representative or successors may initiate a criminal action in all cases involving a private right and may pursue any such case

before the competent court. The court in this case shall summon the Public Prosecutor to attend.”

52. The Kingdom’s laws contain no provisions that might have the effect of creating or perpetuating racial discrimination. To strengthen the legal framework promoting and protecting human rights and pursuant to article 5(2) of its charter, the Human Rights Commission expresses an opinion on human rights bills and reviews and proposes amendments to existing laws. Civil society institutions also perform this important role: the National Society for Human Rights, for example, studies the compliance of the Kingdom’s laws with international human rights standards on an ongoing basis. Furthermore, there are several laws which civil society institutions helped to draft. These institutions contribute to the fight against racial discrimination by receiving complaints, exposing violations and campaigning to raise awareness of the culture of human rights, including the principle of equality, and highlight its dangers. As mentioned above, the National Society for Human Rights has amended its charter in line with the Paris Principles.

53. The Durban Declaration and Programme of Action represents one of the bases for promoting, protecting and spreading awareness of human rights. Note that, pursuant to Supreme Order No. 13084 (1 January 2015),⁸ work is currently underway on preparing a comprehensive national strategy to promote and protect human rights. The strategy is based on the principles of Islamic sharia, the Basic Law of Governance and other relevant statutory laws and the regional and international conventions to which the Kingdom is party. A number of declarations, programmes and methodologies, including the Durban Declaration and Programme of Action, were consulted at the drafting stage.

54. As regards additional measures and despite what Article 1(2) says about the Convention not applying to distinctions between citizens and non-citizens, a high-level committee was formed to look into and regularize the position of the Myanmar community in the Kingdom from a humanitarian perspective. As a result, the community was granted lawful residence, for which the normal fees were waived, and allowed full access to social, health and education services. The members of the community are allowed to work and companies and businesses have been given incentives by the Ministry of Labour and Social Affairs to employ them. At the most recent count, their number stood at 249,669, of whom 146,214 have had their status regularized. Furthermore the status of workers who were in breach of the residence and labour acts was regularized in 2013, opening the way for them to enter the job market. Some 1,500,000 workers benefitted from this initiative. On the other hand, the repatriation of workers in breach of the law has been facilitated, while guaranteeing their rights in full. It is worth noting that these workers were not housed in detention centres but in appropriate accommodation, where they were provided with all necessary services and facilities until the time of their departure. Human rights institutions, including the Human Rights Commission and National Society for Human Rights set up offices in the workers’ quarters during their period of residence to supervise the situation.

55. In view of the current situation in the Republic of Yemen, the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, issued a directive to regularize the status of Yemenis living illegally in the Kingdom by granting them six-month visit cards, renewable, and exempting them from all related fees and fines. It allows them to work, under the rules of the *ajeer* (temporary employment) system for companies and individuals, and exempts them from the statutory fees for visas, work permits and health insurance, from certain penalties such as those for infiltration and working for third parties and from fines for violating the residence and labour laws. Some 464,557 Yemenis had their status regularized

⁸ The same order created the standing committee responsible for reporting mentioned in the introduction.

and were granted visit cards during the qualifying period. Some 379,436 males and 84,122 females were granted cards; 89,220 persons were granted visit visas and 33,757 were granted transit visas. A total of 5,275 persons were released from detention centres, had their status regularized, were issued with visitor ID cards and given permission to work. A total of SAR 6.9 billion (equivalent to USD 1.8 billion) in fines owed by those whose status was regularized after arriving in the country by infiltration was waived. A total of SAR 2.6 billion (equivalent to USD 713 million) in fines owed by those overstaying visit visas was waived. A total of SAR 506 million (USD 135 million) in fines owed by those overstaying transit visas was waived. A total of SAR 79 million (USD 21 million) in fines owed by persons released from detention was waived.

Article 3

56. The Kingdom condemns all forms of racial segregation and apartheid. The Basic Law of Governance and laws derived therefrom guarantee all human rights and fundamental freedoms. All forms and types of discrimination are forbidden. Thus article 12 of the Basic Law of Governance states: “Promoting national unity is a duty and the State shall prevent whatever leads to disunity, sedition and division”.

57. Article 8 of the Employment Act stipulates that any provision incompatible with the provisions of the Act shall be null and void. Furthermore, any waiver or compromise in respect of a worker’s rights arising pursuant to the Act during the lifetime of the contract of employment shall be null and void unless more favourable to the worker. The Act gives a worker the right to leave his employment without informing the employer, while retaining his statutory rights in full even if the employer does not agree. This applies in the following cases: if the employer, a member of his family or the line manager commits a violent assault against or behaves indecently toward the worker or a member of his family; if the employer or line manager bullies the worker or treats him in a cruel or humiliating way; or if the employer or his representative, by his actions, drives the worker to leave, particularly if such actions constitute bullying or treatment that breaches the terms of the contract. Furthermore, the Regulation on Domestic Service Workers and the Like (see para. 27, above) requires domestic service workers to be provided with suitable accommodation. A number of civil society organizations provide accommodation for domestic service workers who need it.

58. It should be noted that the Kingdom of Saudi Arabia vigorously opposes policies of racial segregation and apartheid at regional and international levels. Indeed, this was one of the reasons for the Kingdom’s accession to the Convention. One aspect of the country’s opposition to such policies is the firm stance it takes toward the systematic racist practices perpetrated by the Israeli occupation authorities against the Palestinian people. The Kingdom believes that resistance to such practices is consistent with article 3 of the Convention.

Article 4

59. The laws of the Kingdom make it a criminal offence to spread ideas based on racial superiority, racial hatred and apartheid or to stir up xenophobia. One example of this – in addition to those already given in this report – is article 39 of the Basic Law of Governance, which states: “The media and all means of expression shall use polite language and abide by the laws of the State. They shall contribute to educating the nation and supporting its unity. Whatever leads to sedition or division, undermines the security of the State and its public relations or offends human dignity and rights shall be prohibited. The law shall clarify how this is to be achieved”. Article 8 of the Basic Act of Broadcasting, promulgated

by Royal Decree No. 7/3/6/1007 (9 February 1955) forbids Saudi broadcasting services from broadcasting any material that might create discrimination between citizens, damage their interests, traduce the good name of the country or cause distress by reporting personal matters. The laws of the Kingdom further forbid the creation of organizations that engage in propaganda activities and media that promote racial discrimination. Article 8(2) of the Civil Society Organizations and Institutions Act mentioned in the first part of the report prohibits the establishment of an association if its charter contains provisions that are incompatible with Islamic sharia, breach public order, offend public decency or undermine national unity.

60. The Ministry of Islamic Affairs, *Dawah* and Guidance⁹ has published action papers instructing imams and preachers not to offend or disparage persons and sects and advising that the penalties for so doing, if proven, include termination of service as an imam. Indeed, the Ministry has dismissed a number of imams and preachers whose sermons contained hate speech or personal abuse. Furthermore, the Ministry has launched a wide-ranging programme to promote moderation and combat extremism and fanaticism. The programme consists of special seminars and training courses where imams and preachers explain and warn about the dangers of racism, citing the Koran and Sunna to prove that racism is unlawful. These have been attended by a large number of imams and preachers. In addition, the General Authority for Sports takes the opportunity of sporting events to condemn racism and warn of its danger to society.

61. Promotion of racial discrimination by public authorities is forbidden under the laws of the Kingdom. Pursuant to article 5(3) of its charter, the Human Rights Commission monitors government bodies to ensure that they apply the international human rights instruments to which the Kingdom has acceded and have taken the necessary enforcement measures. In addition, it is the task of the Commission to ascertain implementation by government bodies of human rights-related laws and regulations, expose breaches of the law that represent human rights abuses and take the proper statutory measures pursuant to article 5(1) of its charter.

62. It should be noted that the Kingdom's judicial system adheres to the legal principle of crime and punishment. Thus article 38 of the Basic Law of Governance states: "Punishment shall be carried out on a personal basis. There shall be no crime or punishment save on the basis of a sharia or statutory provision and there shall be no punishment save for deeds committed subsequent to a statutory provision coming into effect". Article 3 of the Criminal Procedure Act stipulates that a person may only be penalised for committing a prohibited act, punishable in statutory or sharia law. The existence of laws prohibiting racial discrimination and the legislative procedures under which these laws are promulgated represent a public declaration that racial discrimination is forbidden, especially as the Convention has become part of national law following the Kingdom's accession thereto.

63. Note that the Basic Law of Governance, the Printed Materials and Publication Act and the Civil Society Organizations and Institutions Act, reviewed above, in addition to the Anti-Cyber Crime Act, promulgated by Royal Decree No. D/17 (26 March 2007), the Convention itself (as part of the law of the land by virtue of the Kingdom's accession thereto) and the enforcement measures for these laws and the Convention (clarified in the course of the reply to articles 2, 3 and 4) are all consistent with the Committee's recommendation in concluding observation No. 10.

⁹ This information covers part of the Committee's concluding observation No. 12.

Article 5 and concluding observation No. 10.

(a) Equality before the courts

64. Article 47 of the Basic Law of Governance enjoins equality before the courts: “The right of litigation is guaranteed equally for citizens and residents of the Kingdom. The law shall clarify the measures to be taken for this purpose.” The judicial system has passed through several stages of development since the foundation of the Kingdom but its foundations have always remained rooted in Islamic sharia, which anchors certain general principles, such as justice and equality, while nevertheless leaving Muslims free, within certain limits, to exercise independent judgement in addressing contemporary developments. The new Judiciary Act contains a number of significant additions, including the creation of first degree courts composed of general courts, criminal courts, personal status courts, commercial courts and labour tribunals. It also created courts of appeal, a High Court responsible for overseeing the soundness and enforcement of rulings and the Supreme Judicial Council. The Act clarifies the competence and jurisdiction of the courts, as well as the rights and duties of judges; it defines how judges are to be inspected. It further defines the competence of the Ministry of Justice and the duties and competence of notaries public.

65. The laws of the land, of which the key ones are the Judiciary Act, Criminal Procedure Act and Terrorist Crimes and Financing Act, ensure the transparency and fairness of anti-terrorism measures, all of which are subject to scrutiny and review by the special criminal court, special appeal court and High Court. That there is no discrimination in respect of the fight against terrorism is clear from a review of the list of those wanted on suspicion of committing terrorist crimes and the verdicts handed down to those found guilty of committing such crimes, which are made public in every case: suspects and convicts come from all sections of Saudi society and include non-Saudis. There is no significant connection between them except for the crime itself and involvement in its commission or planning; the crime is unconnected to race, colour, background and national or ethnic origin. Furthermore, the country’s laws prohibit maligning a particular group or particular region with the stigma of terrorism. Thus article 12 of the Basic Law of Governance states: “Promoting national unity is a duty and the State shall prevent whatever leads to disunity, sedition and division”. Other statutory provisions, too, prohibit this practice, which is contrary to Islamic sharia. God said: *No laden soul shall bear another’s load.*¹⁰ This is what the law means when it speaks about the personal nature of punishment.

66. Legal actions, including racial discrimination cases, are subject to the Judiciary Act, Criminal Procedure Act, Sharia Proceedings Act, Board of Grievance Proceedings Act and Printed Materials and Publication Act. These acts set out in detail the various stages of the case, concluding with the delivery of a verdict or a decision that justice has been done.

67. The death penalty is only handed down for the most serious crimes and within the narrowest limits, pursuant to the decision of a competent court after all procedures of judicial examination in all courts of all degrees have been exhausted. The case is heard by 13 judges, three from the first degree courts (courts of first instance), five from the appellate courts and five from the High Court. There is no discrimination between Saudi and non-Saudi in terms of sentencing and all persons facing the death penalty enjoy the legal guarantees provided for by the laws of the land, principally the Judiciary Act and Criminal Procedure Act, on a basis of equality without any discrimination. It is worth noting that its cooperation with the Special Procedures of the Human Rights Council reflects positively on the Kingdom.

¹⁰ Koran XXXIX: 7.

(b) Right to security

68. Upholding this right is one of the main duties of all State agencies. Article 36 of the Basic Law of governance states: “The State shall provide security for all its citizens and persons resident in its territory. A person’s movement may not be restricted, nor may he be detained or imprisoned except under the provisions of the Law”. Article 2 of the Criminal Procedure Act stipulates: “No person shall be arrested, searched, detained or imprisoned except in the cases provided for by law. A person shall only be detained or imprisoned in the places designated for such purposes and for the term specified by the competent authority. It is forbidden to subject a person under arrest to physical or mental abuse or to subject them to torture or degrading treatment”. Article 36 of the same Act requires that a person under arrest be treated in a manner that preserves his dignity; he may not be physically or mentally abused. He must be informed of the reasons for his detention and allowed to exercise his right to contact whoever he wishes to inform. Article 102 of the Act stipulates that a suspect shall be interrogated in a manner that does not affect his wish to make a statement. He may not be made to swear on oath and means of coercion are not to be used against him. Furthermore, interrogation may not take place elsewhere than on the premises of the investigation bureau unless deemed necessary by the investigator.

69. Article 28 of the Imprisonment and Detention Act prohibits any kind of assault on prisoners or detainees and allows disciplinary measures to be taken against military or civilian personnel who commit such assault, without prejudice to any criminal penalties in cases where the assault is punishable as a crime. Article 2(8) of Royal Decree No. 43 (1958) prohibits abuse or coercion in the name of the job, including torture, brutality, seizure of property, deprivation of liberty, maltreatment, fines, imprisonment, exile, enforced residence, and unlawful entry of the home. The penalty for such acts is imprisonment for up to ten years or a fine of not more than SAR 20,000 (equivalent to USD 5,333). Under article 25 of the Criminal Procedure Act, the actions of law enforcement officers are overseen by the Bureau of Investigation and Public Prosecution.

70. On the matter of redress, article 16 of the Criminal Procedure Act guarantees the right of a victim of assault to bring a criminal action against the perpetrator. The victim has the right to bring a private right of action against the accused without prejudice to any public criminal action initiated and prosecuted by the Bureau of Investigation and Public Prosecution.

71. It is worth noting that, under its charter, the prosecution service is authorized to monitor prisons and detention centres. Article 3 of the Bureau of Investigation and Public Prosecution Act states that the Bureau has a mandate to monitor and inspect prisons, detention centres and any other places where criminal sentences are carried out, as well as to hear the complaints of prisoners and detainees. The Bureau ensures the legality of their imprisonment or detention and of their continued imprisonment or detention after expiry of the set term and takes the necessary steps for the release of those imprisoned or detained without lawful cause. It is also responsible for enforcing the law against perpetrators. Bureau staff carry out their tours of inspection in accordance with articles 38 and 39 of the Criminal Procedure Act. Visits are also made by the Human Rights Commission and National Society for Human Rights, as noted above.

72. Under article 40 of the Criminal Procedure Act, anyone having information of a person unlawfully imprisoned or detained or held in a place not intended for imprisonment or detention shall inform the Bureau of Investigation and Public Prosecution. Upon being notified, a member of Bureau staff shall proceed to the place in question and conduct an investigation. If the information is confirmed to be true, he shall order the release of the prisoner or detainee and give instructions for appropriate statutory measures to be taken against the official responsible. The Bureau has made it possible to report a situation in a number of ways, including via its website. Under article 5 of the Imprisonment and

Detention Act, all prisons and detention centres are subject to judicial, administrative, health and social inspection. Article 21 of the Act affirms that release of prisoners and detainees on time may not be delayed by administrative procedures. Under article 6, the Supreme Council of Prisons conducts studies on how to develop prisons and detention centres to achieve their goals more readily and make them more effective at reforming convicts. It also proposes methods of combating delinquency and recidivism and ways of achieving the public good. Article 11 requires convicts who have served more than four years in prison to undergo a period of rehabilitation prior to release in order to facilitate their subsequent integration in society. This period of rehabilitation is treated as part of time served. Articles 18 and 19 speak of the need to hold education and training programmes in prisons and detention centres, as well as community service programmes, for the benefit of prisoners, detainees and their families. Each prison and detention centre is to have a library for the use of prisoners and detainees in their free time.

73. Migrant workers can only be deported in accordance with the rules and regulations set out in the Residence Act, which requires a person who breaks the law to be deported, pursuant to a decision of the Minister of Interior. However, a person who has received a deportation notice may appeal to the administrative courts. He may also, in accordance with the Board of Grievance Proceedings Act, seek the counsel of an attorney. Pursuant to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no person may be expelled, repatriated or extradited to another State if there are substantial grounds for believing that he would be in danger of being subjected to torture. The regularization of the status of Syrians and Yemenis instead of repatriation bears witness to this.

(c) Political rights

74. Article 8 of the Basic Law of Governance stipulates: "Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia". Article 43 stipulates: "The *majlis* of the King and of the Crown Prince shall be open to every citizen and to everyone with a complaint or grievance. Every individual shall have the right to address public authorities regarding his affairs". The Shura Council Act, promulgated by Royal Decree No. 91 (2 March 1993), gives effect to one of these founding principles of State, describing the Council as a pillar of governance. Article 4 of the Act stipulates the conditions which a member of the Council must meet, namely that he be a Saudi national by birth and descent, that he be known for probity and competence and that he be not less than 30 years of age. Article 15 states that the Council has a mandate to express an opinion on the State policies referred to it by the Prime Minister and in particular:

- (a) To discuss and express an opinion on the general plan for economic and social development;
- (b) To study laws, regulations, international treaties and conventions and concessions and make such proposals thereon as it sees fit;
- (c) To scrutinise laws;
- (d) To discuss the annual reports of ministries and other government agencies and make such proposals thereon as it sees fit.

75. Article 17 of the Shura Council Act, amended by Royal Order No. O/198 (27 November 2003) states that Shura Council resolutions shall be submitted to the King for a decision on which are to be referred to the Cabinet. If the Cabinet and Shura Council agree, a resolution is promulgated after receiving royal assent. If they do not agree, the matter is sent back to the Shura Council for its opinion and then submitted to the King for his decision. Article 18 of the Act affirms that laws, international treaties and agreements

and concessions shall be promulgated and amended by royal decree after scrutiny by the Shura Council. Article 23, amended by the aforementioned Royal Order No. O/198, ensures the right of the Shura Council to propose new bills and amend existing acts.

76. To promote the political participation of women, Royal Order No. O/44 (12 January 2013) was promulgated, amending article 3 of the Shura Council Act to allow women to become full members of the Council and occupy a minimum of 20 per cent of Council seats. Prior to this, women had only been able to participate in Council business in an advisory capacity. With the promulgation of Royal Order No. O/45 (12 January 2013), appointing the members of the new session of the Shura Council, 30 female members joined the Council. This underlines the determination to widen the base of female participation at all levels nationwide.

77. Citizens, both male and female, participate in the management of public affairs through municipal councils, to which any citizen who meets the conditions for membership can seek nomination. The Municipal Councils Act, promulgated by Royal Decree No. D/61 (1 August 2014), defines the responsibilities and powers of municipal councils, regulates the oversight aspect of their work and determines how councils are formed, members elected and resolutions adopted. The Regions Act contains a number of provisions that reinforce the principle of participation in public affairs. Thus article 15 provides for the establishment of a regional council in each provincial capital. Under article 16(e) of the Act, the regional council must include at least ten eminent, knowledgeable and qualified local figures among its members; members serve for four years, renewable. The third round of municipal elections, held in 2015, were monitored by civil society institutions and were the subject of local and international media attention. Some 2,104 candidates, including 18 women, were elected to membership of municipal councils and 1,052 members were appointed, taking total membership to 3,156. Some 81 per cent of all women entitled to vote took part in the elections.

78. The committees formed in social development centres across the Kingdom represent an outlet for individuals to talk about their needs and discuss their situation. Article 3 of the Social Development Centres Regulation, promulgated by Cabinet Decision No. 161 (28 May 2007) establishes social development centres, to be set up pursuant to the terms of the Regulation, where the local population can define their needs and take part materially, morally and in human terms in implementing programmes. Article 4 of the Regulation states that these centres shall urge the local population to form committees and encourage them to determine the general needs of their regions and local communities.

79. The King Abdulaziz Centre for National Dialogue represents a mechanism for effective participation at national level. The Centre seeks to provide an environment supportive of and conducive to national dialogue between members of society – both male and female – and between different social groups. It focuses on addressing a range of social, cultural, political, economic and educational issues through channels and mechanisms of intellectual dialogue and instilling in society the concept of dialogue and its associated behaviour. As regards equality in appointment to public positions, the Kingdom's labour laws contain no discriminatory provisions. This will be discussed later in the context of the right to work.

(d) Civil rights

(a) Right to freedom of movement and freedom to choose residence

80. The freedom to choose one's residence is a right guaranteed and protected by the laws of the Kingdom. Article 36 of the Basic Law of Governance stipulates: "The State shall provide security for all its citizens and persons resident in its territory. A person's movement may not be restricted nor may he be detained or imprisoned except under the

provisions of the Law". The laws of the Kingdom guarantee the right of migrant workers to move freely without restriction: Cabinet Decision No. 166 (9 October 2000) affirms the right of a migrant worker to retain his passport and the passports of his family and to move freely within the Kingdom as long as he holds a valid residence permit. The Decision further affirms that all procedures relating to the issue of a residence permit and exit/re-entry visas for the family of a migrant worker must be completed by the worker himself. Note that it is a statutory requirement for a migrant worker to obtain an exit visa in order to ensure the rights of worker and employer. The procedure may be completed electronically on the Ministry of Interior website. Under article 220 of the Employment Act, a migrant worker who claims his rights have been violated by an employer may lodge a grievance with one of the many labour offices across the country or contact the complaints centre on 19911, which is equipped to receive complaints in eight languages.

(b) *Right to leave any country and return to one's own country*

81. The laws of the Kingdom guarantee the right of citizens and migrant workers to exit and re-enter the country and several measures have been introduced to ensure that this right is not restricted, including the above-mentioned Cabinet Decision No. 166. Deportation is only permitted in accordance with the provisions of the Residence Act; under no circumstances may anyone be deported unlawfully. In this context, the Kingdom affirms that protection of its security and the safety of its citizens represents a sovereign act that promotes and protects human rights, given that the right to security is a fundamental right on which all other human rights depend. As regards denial of travel, article 6(2) of the Travel Documents Act, promulgated pursuant to Royal Decree No. D/24 (29 August 2000), affirms that no-one may be barred from travelling except by judicial ruling or decision of the Minister of Interior for specific reasons related to security and for a fixed period of time only. In both cases, the person barred from travelling must be notified of the ban within not more than one week from the date of issue of the ruling or decision and shall have the right to lodge a complaint before the administrative courts.

(c) *Right to nationality*

82. Article 35 of the Basic Code of Governance states: "The law shall set out the provisions for Saudi Arabian nationality." Article 2 of the Saudi Arabian Nationality Act, promulgated by Royal Edict No. 8/20/5604 (20 October 1954), states that the Act shall not have retroactive effect and all valid decisions and measures issued pursuant to previous laws shall remain in force. Nationality granted under previous laws shall be considered valid as long as based on proper procedures and solid proof. The Act sets out the criteria for granting Saudi Arabian nationality. Thus anyone born in the Kingdom to a foreign father and Saudi mother may be granted Saudi nationality, if the following conditions are met:

- Upon reaching the age of majority, he shall have resided permanently in the Kingdom of Saudi Arabia;
- He shall be of good character and behaviour and shall not have been found guilty of a felony or sentenced to a term of imprisonment of more than six months for a moral crime;
- He shall be fluent in Arabic;
- Application for Saudi Arabian nationality shall be made within one year of reaching the age of majority;
- A foreigner may be granted Saudi Arabian nationality, if the following conditions are met:

- He shall have reached the age of majority and have resided in the country for not less than ten consecutive years, when applying for Saudi Arabian nationality;
- He shall be of sound mind and body;
- He shall be of good character and behaviour and shall not have been found guilty of a felony or sentenced to a term of imprisonment of more than six months for a moral crime;
- He shall be the sort of professional needed by the country; persons born in the Kingdom to a foreign mother and unknown father shall be excluded from this requirement;
- He shall earn his living in a demonstrably lawful manner;
- He shall speak, read and write Arabic fluently.

83. Article 11 of the Saudi Arabian Nationality Act requires a Saudi to obtain the permission of the Prime Minister before acquiring foreign citizenship. Any Saudi who acquires foreign citizenship before obtaining this permission shall continue to be considered as Saudi unless His Majesty's Government sees fit to relieve him of Saudi citizenship under article 13 of the Act. The Act further states that a woman married to a Saudi man who has acquired foreign citizenship shall not lose Saudi citizenship upon acquiring her husband's citizenship under the law pertaining to the new citizenship, unless she declares her resolve to adopt the new citizenship of her husband and the Minister of Interior approves. Minors shall lose Saudi Arabian citizenship if, by virtue of their father's change of citizenship, they acquire his citizenship under the law pertaining to the new citizenship. However, they shall have the right to reclaim Saudi Arabian citizenship within one year after reaching the age of majority. A person may be deprived of Saudi Arabian citizenship only in the following cases:

- (a) If he takes another citizenship in breach of article 11 of this Act;
- (b) If he is employed by the armed forces of a foreign Government without the approval of His Majesty's Government;
- (c) If he is employed by a foreign State or Government at war with the Kingdom of Saudi Arabia;
- (d) If he accepts employment with a foreign Government or international organization and remains in such employment despite being ordered to give it up by His Majesty's Government.

In the cases stated in paragraphs a, b, c and d of this article, the Saudi citizen must be given due warning of the consequences of his action at least three months before the decree revoking his Saudi Arabian citizenship is issued. Pursuant to this article, the property of the person deprived of Saudi Arabian citizenship shall be administered in accordance with the Real Estate Ownership Act. Furthermore, he may be prohibited from returning to or residing in the Kingdom. Article 19 of the Saudi Arabian Nationality Act states that revocation of a person's Saudi Arabian citizenship pursuant to the provisions of article 11 shall not result in revocation of the citizenship of his wife, children or dependant relatives.

84. The basic principle of the Saudi Arabian Nationality Act is that children acquire their father's citizenship, while emphasizing that all the Kingdom's laws adopt the principle of the child's best interests in all cases. Cabinet Decision No. 406 (12 November 2012) covers a number of arrangements concerning the husband and children of a Saudi woman married to a foreigner.

(d) *Right to marry and to choice of spouse*

85. The right to marry and to choose one's spouse is a legitimate right of men and women and accords with Islamic sharia, which guarantees men and women the right to marry and makes the consent of both parties a pre-condition. The Kingdom attaches considerable importance to this basic right, given its key role in shaping the family and society. Article 10 of the Basic Law of Governance stipulates: "The State shall endeavour to strengthen family bonds, maintain its Arab and Islamic values, care for all its members and provide conditions conducive to the development of their talents and abilities". To underline this right, the Saudi Credit and Savings Bank has been commissioned to assist persons wishing to marry by providing loans on easy terms. The State also gives its approval and support to charities that help young men and women to marry; there are 15 such charities across the country, providing various forms of assistance in cash and kind to persons seeking to marry. Interest and no-fee loans of SAR 60,000 (equivalent to USD 16,000) are granted to ease the financial burden on those wishing to marry.

(e) *Right to own property alone or jointly with others*

86. Islamic sharia pays particular attention to protection of property, including it among the "five essentials" and forbidding it to be frittered away. God said: "Do not use up your property among yourselves on vanities nor seek by it to gain the hearing of judges that you may knowingly devour a portion of the property of others wrongfully."¹¹ Thus if a man acquires something lawful by lawful means, it is protected by Islamic sharia, which is the authority for all the Kingdom's laws. A man may not be dispossessed arbitrarily. The owner has the right to use, exploit and dispose freely of his property. This right is affirmed by article 18 of the Basic Law of Governance, which stipulates: "The State guarantees the freedom to own property and the inviolability of private property, which may be expropriated only in the public interest and with fair compensation". Additionally, article 19 states: "General confiscation of property is prohibited; the punishment of limited confiscation may only be imposed under the terms of a court order."

87. Article 1(a) of the Real Estate Ownership and Investment by Non-Saudis Act, promulgated by Royal Decree No. D/15 (19 July 2000), states: "A non-Saudi investor with natural or corporate personality, licensed to practice any professional, free or economic activity may acquire the real estate necessary for practicing that activity, which shall include the real estate required for his accommodation and that of his employees, following the approval of the licence-issuing body. The said real estate may be rented, subject to article 5 of this Act". The Kingdom does not only protect physical property but intellectual property, too, in accordance with the Copyright Act, promulgated by Royal Decree No. D/41 (30 August 2003), the Printed Materials and Publication Act and the Patent Act. All previous laws were designed primarily to affirm, protect and safeguard the right of ownership.

88. Through its 26 branches, the Saudi Credit and Savings Bank finances projects for everyone, without discriminating between men and women. Some 19.2 per cent of all projects are owned by women and 21 per cent of all loans disbursed are for women's projects. Saudi women make up 14 per cent of total project workforce and 236 women have received training. The proportion of bank loans granted to women rose from 9.1 per cent in 2008 to 15 per cent in 2014.

¹¹ Koran II: 188.

(f) *Right to inherit*

89. The right to inherit is guaranteed *de jure* and *de facto* in the Kingdom of Saudi Arabia. Islamic sharia affirms this right and regulates all inheritance-related issues for citizens of the Kingdom and Muslim residents. For non-Muslim residents, the laws of the land guarantee freedom in respect of all personal status issues, including inheritance.

(g) *Right to freedom of thought, conscience and religion*

90. God said in the Koran: “There is no compulsion in religion. The right path has been distinguished from error.”¹² Islamic sharia enjoins us to treat all men justly and to carry out His command: *God commands you to return to their owners the things entrusted to you. If you are to judge between people, do so justly.*¹³ Indeed, Islamic sharia enjoins justice in cases of conflict: *Do not let hatred of others lead you away from justice but adhere to justice, for that is closer to righteousness.*¹⁴ Article 8 of the Basic Law of Governance gives effect to this: “Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia”. The Kingdom’s laws – statutory and sharia – contain no discriminatory provisions. Indeed, they criminalize discrimination and make it a punishable offence.

91. Although all citizens of the Kingdom are Muslim, non-Muslims are guaranteed freedom of worship in law and in practice, in their own special places. Instructions and regulations permitting non-Muslim residents to worship in their own homes and diplomatic missions have been circulated to all the relevant State agencies. Furthermore, housing compounds have been arranged to enable non-Muslim residents to hold religious services. Islamic sharia forbids Muslims from insulting and reviling religious beliefs in any way – indeed, it enjoins the veneration and glorification of all prophets and apostles – and anyone proven to have engaged in practices of this sort will be held to account.

(h) *Right to freedom of opinion and expression*

92. The laws of the Kingdom guarantee freedom of opinion and expression to everyone without discrimination. Furthermore, just as human rights are integrated and interconnected, so the country’s laws guarantee that other rights are protected, too. To ensure that application of this right does not have an adverse impact, the law adopts the principle of statutory limitation of freedom of expression, in line with the relevant international standards and the Committee’s General Recommendation No. 15, which holds that the exercise by citizens of the right to freedom of opinion and expression comes with certain duties and responsibilities. Article 39 of the Basic Law of Governance stipulates: “The media and all means of expression shall use polite language and abide by the laws of the State. They shall contribute to educating the nation and supporting its unity. Whatever leads to sedition or division, undermines the security of the State and its public relations or offends human dignity and rights shall be prohibited. The law shall clarify how this is to be achieved”. Furthermore, article 8 of the Printed Materials and Publication Act states: “Freedom of expression using all means of publication is guaranteed within the scope of sharia and statutory law.”

93. In seeking to promote the right to freedom of opinion and expression, the Kingdom has taken a number of measures, of which the most significant are encouraging the publication of print and electronic newspapers, the creation of the independent General Commission for Audiovisual Media and an independent radio and television authority and

¹² Koran II: 256.

¹³ Koran IV: 58.

¹⁴ Koran V: 14.

the establishment of a number of television channels and radio stations broadcasting in many languages. At the time of submitting this report, there were 336 newspapers and magazines, 750 online newspapers, 76 television stations and six radio stations. Furthermore, the King Abdulaziz Centre for National Dialogue holds meetings in which representatives of all elements of society take part.

(i) *Right to freedom of peaceful assembly and association*

94. The Government of the Kingdom of Saudi Arabia supports societies and institutions concerned with the defence of human rights in general or specific areas thereof, as well as interested individuals. Indeed, the Government has made such societies, institutions and individuals core partners in the field of human rights. This partnership has included the contribution of several societies and institutions to the drafting of bills, the monitoring of human rights laws and treaties to which the Kingdom is party and the involvement of civil society institutions in preparing the Kingdom's reports to treaty bodies and reports under the Universal Periodic Review. Human rights institutions also prepare reports on the rights-related performance of government agencies. The National Society for Human Rights, for example, publishes reports on the human rights situation in the Kingdom, highlighting flaws in the system and the causes thereof. Furthermore, a number of societies and institutions working in various rights-related fields prepare studies and reports and hold forums and interactive media activities designed to protect and promote the rights with which they are concerned. They operate without any obstacles placed in their way. Indeed, the law guarantees redress in the event that their rights are violated in any way.

95. In 2015, the number of charitable societies and organizations stood at 880, most of which are involved with human rights-related issues. In the same year, they received approximately SAR 2.3 billion (equivalent to USD 619 million) in financial support from the Ministry of Labour and Social Affairs. Non-governmental activity was crowned by the promulgation of the Civil Society Organizations and Institutions Act, which enhances the freedom to form societies and operate independently and objectively.¹⁵ Violent demonstrations or riots that breach national security, public order, public safety or public decency or violate the rights of others are banned under the laws of the Kingdom. However, a number of mechanisms and instruments exist by which the goals of peaceful assembly may be achieved.

(e) **Economic, social and cultural rights**

(a) *Right to work*¹⁶

96. The laws of the Kingdom guarantee every able-bodied the right to work, without any form of discrimination. Thus article 28 of the Basic Law of Governance states: "The State shall facilitate the provision of job opportunities for every able-bodied person and enact laws to protect worker and employer". Article 1 of the Civil Service Act states that staff are selected to occupy public positions on the basis of merit, while article 4 of the Act sets out the conditions for appointment to public positions. The Ministry of Civil Service has launched an e-recruitment programme – *Jadara* ("merit") – where Saudis can apply for government positions without any discrimination between citizens in terms of qualifications and grades. Successful candidates and grades are announced in a fully transparent manner and unsuccessful candidates may file a complaint with the Ministry or administrative courts.

¹⁵ See para. 24, above.

¹⁶ This information covers part of the Committee's concluding observation No. 19.

97. Article 3 of the Employment Act states that citizens are equal in respect of the right to work. The Ministry of Labour and Social Development has launched a number of initiatives designed to boost recruitment of Saudis, protect and promote the right to work and improve the private sector working environment to make it attractive to young jobseekers. The most significant of these initiatives are:

- The *Nitaqat* (“categories”) programme is a practical and effective mechanism for promoting employment of Saudis in the private sector. Private companies are given incentives to attract and recruit Saudis by having their classification under the programme upgraded in accordance with their Saudization rate, enabling them to enjoy a fuller range of the facilities and services offered by the Ministry of Labour and Social Development than in a lower category;
- The *Tawafiq* (“compatibility”) programme for the employment of persons with special needs seeks to provide employment and a suitable working environment for Saudi nationals with special needs. The programme encourages private sector companies to employ persons with special needs by offering them relative advantages under the *Nitaqat* programme;
- The Wages Protection Programme monitors data on payment of workers’ monthly wages and compares this with data recorded by the Government to ensure that wages are paid on time and in full.

98. Regarding social security, the Ministry of Labour and Social Development requires Saudi workers to be registered with the General Organization for Social Insurance (GOSI) in order to be counted under the *Nitaqat* programme and to continue to pay contributions in order to receive social insurance benefits in the private sector and be protected from occupational hazards.

99. Several official decisions and programmes have been adopted to increase job opportunities for Saudi women. Among these is an initiative launched to develop female employment, consisting of four key themes, each made up of a group of programmes. The four themes are: direct recruitment, employment mechanism programs, programmes addressing the challenges of female employment and support services, and programmes to develop and give effect to legislation and regulations on female employment. A number of decisions have been issued, putting in place the regulatory and procedural frameworks to expand female employment and implementation is being monitored. These decisions concern the regulation of female employment in factories and shopping malls and feminization of jobs in shops selling women’s items. Other decisions have also been issued, regulating women’s employment in retail establishments, kitchens and family leisure centres.

100. As regards legal protection for migrant workers, the provisions of the Employment Act stress that workers’ dignity must be safeguarded, within a healthy working environment. It also clarifies the rights and duties of each party to the employment relationship toward one another. Under article 61, the employer must not employ a worker as forced labour or withhold his wages or any part thereof without a court order. The employer shall treat his workers with due respect and refrain from offending their dignity and religion in word or deed. He shall give the workers the time required to exercise those rights provided for in the Act without making any corresponding deduction from their wages. He may, however, regulate the exercise of this right so that the workflow is not disturbed. He shall facilitate for staff of the competent bodies any task related to the enforcement of the provisions of this Law. Under article 8 of the Employment Act, any condition, waiver or compromise in respect of a worker’s rights shall be null and void unless more favourable to the worker. The Act gives a worker the right to leave his employment without informing the employer, while retaining his statutory rights in full

even if the employer does not agree. This applies in a number of cases, including where the employer, a member of his family or the line manager commits a violent assault against or behaves indecently toward the worker or a member of his family.

101. A number of ministerial decisions have been issued to give effect to the provisions in the Employment Act on the protection of migrant workers. The most significant of these are:

- Ministerial Decision No. 738/1 (4 July 2004), banning all forms of trafficking in persons, including selling work visas, receiving payment for hiring a worker, receiving payment for entry visas, exit/re-entry visas, residence permits and work permits, breaching contractual obligations, treating workers inhumanly and immorally and employing and exploiting children. The Decision stipulates that, in addition to the penalties provided for in the appropriate laws, a person committing any of the above offences shall be banned from recruiting migrant workers for a period of five years; in the event of a repeat offence or commission of two or more offences, the Minister of Labour shall issue a decision banning the offender from recruiting migrant workers for life;
- Ministerial Decision No. 2370/1 (28 August 2010), prohibiting discrimination between male and female workers in respect of wages for work of equal value;
- Ministerial Decision No. 1998 (2 June 2011), promulgating the Recruitment Companies Regulation, which contains several articles relating to the protection of migrant workers;
- Ministerial Decision No. 2425 (14 April 2013), defining cases of suspension of services to an employer, with resumption dependent on the situation being remedied in a legal manner. The Decision addresses the following cases: failure of a business to comply with the Wages Protection Programme, employment of women and juveniles in hazardous jobs or noxious industries and failure on the part of a business to take proper precautions to protect and ensure the safety of workers against work-related hazards and illnesses and when operating equipment;
- Ministerial Decision No. 803 (26 December 2012), on the Wages Protection Programme, which the Ministry of Labour and Social Development introduced in stages with effect from June 2013. The Programme operates electronically and involves businesses paying wages through local banks and submitting employee wage details to the Ministry. The Programme monitors the data on workers' monthly payments and compares this with the data recorded by the Government to ensure that wages are paid on time and in full by the employer. The Ministry penalises businesses that fail to apply the mechanism set out in the Decision;
- Ministerial Decision No. 3337 (5 May 2014) stipulates that workers may not be made to work in direct sunlight between the hours of 12:00 and 15:00 from 15 June to 15 September. Following enforcement of this decision, 3,904 violations were recorded in 2014 and 2,499 in 2015;
- Ministerial Decision No. 4786 (12 October 2015) penalises an employer who retains a worker's passport without his consent with a fine of SAR 2,000 (equivalent to USD 533), as an administrative punishment.

102. The Ministry of Labour and Social Development is responsible for monitoring implementation of the regulations and decisions which guarantee and protect the rights of migrant workers. It does this through a variety of mechanisms, including:

(a) Labour inspection

103. Specialists undertake field visits to the workplace to determine compliance on the ground with the provisions of the Employment Act and its implementing regulation, including those pertaining to working hours, wages, social services and protection against occupational accidents, illnesses and injury. They also ascertain the enforcement of ministerial decisions issued in implementation of the Employment Act. A workplace inspection manual has been prepared to clarify what businesses have to do to comply with the Employment Act and raise the level of awareness of businesses and workers. Operations rooms have been established to support labour inspectors and improve enforcement of the Act.

(b) Migrant Workers Welfare Department

104. This Department was created to provide for the employment-related welfare of migrant workers and overcome any obstacles to the regularization of their situation that may arise. The Department takes severe measures against employers who fail to respond to the problems of their workers, including suspension of sponsorship, transfer of a worker's sponsorship at his request without reference to the employer, providing workers with access to means of redress and putting in place a complaints procedure. To give effect to article 212 of the Employment Act, a number of preliminary commissions have been formed to settle labour disputes. Likewise, to give effect to article 215, a number of departments of the High Commission for Settlement of Labour Disputes have been established and several new members appointed to widen the scope of labour litigation and make access easier and less time-consuming.

105. The Regulation on Domestic Service Workers and the Like, mentioned in paragraph 26, above, represents a statutory framework governing the relationship between employer and domestic worker and defining the rights and duties of each with respect to the other. The Regulation affirms that an employer shall not assign a domestic service worker to a job that was not agreed in the contract, is hazardous to health or violates the worker's dignity.

106. In implementation of the Regulation, 36 committees have been formed to date by ministerial decree to settle disputes involving domestic service workers or the like across the Kingdom and the Ministry of Labour and Social Development has set up a hotline (19911) to receive complaints in eight languages. The relevant bodies continue to seek to raise awareness of and promote and protect human rights by distributing booklets in various languages, explaining employment law and the concepts of human trafficking and forced labour. These are distributed to the Kingdom's embassies abroad and the embassies of the relevant countries in the Kingdom. Furthermore, a number of rights organizations conduct media campaigns as part of the programme to spread the culture of human rights. In addition, the competent bodies in the Kingdom conclude bilateral agreements with certain States, requiring male and female workers to take training courses to familiarize themselves with their rights and duties.

107. The Employment Act stresses that a worker's dignity must be safeguarded. Thus article 61 of the Act stipulates that an employer must not employ the worker as forced labour or withhold his wages or any part thereof without a court order. The employer shall treat his workers with due respect and refrain from offending their dignity and religion in word or deed. He shall give his workers the time required to exercise those rights provided for in the Act without making any corresponding deduction from their wages. The Act gives a worker the right to leave his employment without informing the employer, while retaining his statutory rights in full even if the employer does not agree. This applies in a number of cases, including where the employer, a member of his family or the line manager commits a violent assault against or behaves indecently toward the worker or a member of his family; if the employer or line manager bullies the worker or treats him in a cruel or

humiliating way; or if the employer or his representative, by his actions, drives the worker to leave, particularly if these actions involve bullying or treatment that breaches the terms of the contract. The Regulation on Domestic Service Workers and the Like affirms that an employer shall not assign a domestic service worker to a job that was not agreed in the contract, is hazardous to health or violates the worker's dignity. It is worth noting that everyone has the right of recourse to the courts to lodge a complaint about violation of human rights.

Your Labour Advisor

108. A trial launch of the Your Labour Advisor service was conducted in October 2015 and the service was officially inaugurated on 18 January 2016, at the same time as the amendments to the new Employment Act were made. It is a free e-service, provided by the Ministry of Labour and Social Development through the Labour Education portal, which aims to reply to specific questions about the Employment Act. It is designed to raise the awareness of all classes and sections of Ministry customers of the rights and duties guaranteed by the Saudi Employment Act and create sound working relations between the parties to the production process, helping to absorb workers into the Kingdom's labour environment, facilitate their work and remove the obstacles they face. The service is manned by a group of legal advisors charged with replying to questions received from customers. The numbers of beneficiaries from the service are as follows:

- No. of beneficiaries November-December 2015:
 - Saudi: 1,458
 - Non-Saudi: 1,104
- No. of beneficiaries January-April 2016:
 - Saudi: 5,782
 - Non-Saudi: 4,196.

The service can be accessed in the following ways:

- Labour offices across the Kingdom;
- Labour Education website: www.laboureducation.gov.sa;
- Ministry of Labour and Social Affairs Twitter account: MOL_CARE@;
- Ministry of Labour and Social Affairs communications centre: tel. 19911.

109. One result of the Kingdom's efforts to promote and protect human rights has been the creation of a working environment attractive to workers of all races, religions, nationalities and cultures from all over the world, who have contributed to the development of their countries, principally by means of remittances which, in 2009, amounted to SAR 94.4 billion (equivalent to USD 25.1 billion), rising to more than SAR 130 billion (USD 34.6 billion) by 2014. Saudization policies and programmes, designed to reduce unemployment rates among Saudi citizens, are consistent with article 1(2) of the Convention.

(b) *The right to form and join trade unions*

110. There are in the Kingdom a number of dedicated bodies that pursue certain aspects of union activity. These include the Saudi Bar Association, which monitors the performance of lawyers to ensure proper conduct, looks after its members' interests and protects their rights; the Saudi Journalists Association, established in 2004; and the Saudi Publishers Association, established in 2003. Given the need to address labour issues and in

an endeavour to meet workers' expectations, rules for the formation of works councils in private sector businesses were issued under Cabinet Decree No. 12 (2 April 2001). These councils seek to improve working conditions and create a healthy working environment. Pursuant to article 12 of these rules, the Ministry of Labour and Social Development issued the implementing regulation for labour councils under Ministerial Decree No. 1691 (10 April 2002). This states that workers in a business who wish to set up a labour council shall choose council members by election; there shall be not more than nine and not less than three first choice candidates and the same number of reserve candidates. The names shall be submitted to the Minister of Labour for approval. Once the Minister has approved the council members and the business and workers have been informed, the council shall set to work. The Ministry shall follow up council recommendations. By Decision of the Minister of Labour and Social Development, No. 3060/1 (28 November 2010), the establishment of the National Committee of Works Councils in the Kingdom, a body elected by all works councils in the country, was approved.

(c) *Right to housing*

111. Through its development plans, the Kingdom of Saudi Arabia seeks to ensure the fair distribution of services, including those relating to the provision of suitable housing for all citizens, without discrimination. The Kingdom has taken significant steps toward realizing this goal, having made it easy for all citizens to obtain housing with the Real Estate Development Fund, established by Royal Decree No. D/23 (1 July 1974). The fund is designed to provide long-term, interest-free loans (private and investment) to individuals and businesses to enable them to set up real estate projects for personal or commercial use. Deceased persons, male and female, are exempt from any private real estate development loan repayments owed. Persons who make their loan repayments regularly and on time enjoy partial exemption.

112. There are a number of institutions across the country that seek to provide suitable housing for those in need. For example, the King Abdullah bin Abdulaziz Foundation for Development Housing Dedicated to His Parents seeks to provide decent housing for the neediest groups in Saudi society. The idea is that this will act as a springboard to enable them to become productive members of society, capable of participating in the development of their immediate local environment and contributing to sustainable development in the Kingdom. Another example is the Prince Sultan bin Abdulaziz Al Saud Foundation. Furthermore, the Ministry of Labour and Social Development oversees mass housing projects across the Kingdom, the first phase of which consisted of 16,000 housing units with an allocated budget of SAR 2.4 billion (equivalent to USD 640 million).

113. In recent years, the Kingdom has greatly increased its efforts in the area of housing and taken a number of measures designed to provide citizens with decent housing and accelerate home ownership. These measures include:

- Promulgation of Cabinet Decree No. 82 (7 January 2014), approving the housing subsidy to facilitate home ownership by families; this is provided in the form of residential land and/or a housing loan, or a housing unit, at the request of the applicant. The Ministry of Housing receives applications through the ESKAN website and these are assessed automatically to ascertain that they meet the conditions. Distribution to those entitled has begun in several regions of the country;
- Approval of the construction of 500,000 housing units across the country; the sum of SAR 250 billion (equivalent to USD 66.6 billion) has been earmarked for this large-scale, vital project;
- Increasing the maximum housing loan offered by the Real Estate Development Fund from SAR 300,000 (USD 80,000) to SAR 500,000 (more than USD 133,000);

- Boosting the capital of the Real Estate Development Fund by more than SAR 40 billion (i.e. more than USD 10 billion) to meet the increased demand for loans to build private houses;
- Unconditional waiver of private housing loan repayments owed by now deceased persons and exemption of all borrowers who have taken out private housing loans with the Real Estate Development Fund from two repayments for a period of two years;
- Relaxation of the procedures for obtaining real estate loans;
- Participation of the banking sector in making real estate loans to citizens on easy repayment terms;
- Creation of the Ministry of Housing, with responsibility for regulating the housing sector to enable citizens to obtain homes quickly;
- Promulgation of Supreme Order No. 41211 (16 September 2013), allocating a proportion of charitable housing to broken and needy families abroad, in accordance with certain terms and conditions; to be coordinated with the Ministry of Housing to ensure that there is no duplication;
- Provision of an additional SAR 20 billion (USD 5.3 billion) to enable citizens in all regions to benefit more quickly from 2015 housing plans.

(d) Right to public health, medical care, social security and social services

Health care

114. The Kingdom guarantees the right to health care. Article 31 of the Basic Law of Governance stipulates that the State shall be responsible for public health and shall provide health care to all citizens and their families in emergencies, sickness, invalidity and old age. Article 2 of the Health Act (promulgated 3 June 2002) states that the Act is designed to ensure the provision and regulation of comprehensive and integrated health care for the entire population in an equitable and accessible manner. Also concerned with health care are the charter of the Saudi Commission for Health Specialities, the Health Care Professions Act, the charter of the Saudi Food and Drug Authority et al. Efforts are also made to spread health awareness, immunize against infectious diseases, diagnose and treat common diseases, ensure the supply of basic drugs and provide health care for all pilgrims, both Saudi and non-Saudi.

115. Efforts are continuing to improve the standard of health services, provided to beneficiaries on an equal basis. These efforts cover several areas, including: mother and child care, vaccination programmes, health care for the handicapped and the elderly, health care for students (male and female), health care in cases of accident, emergency and disaster, combating infectious diseases and epidemics, treating chronic diseases, organ transplant, psychiatric care and other elements of a comprehensive health care system, in addition to the support infrastructure in these areas. It is worth pointing out that the Ministry of Health budget increased from SAR 22.8 billion (USD 6 billion) in 2007 to SAR 59.9 billion (USD 15.9 billion) in 2015 and that the number of primary health care centres servicing citizens and residents throughout the provinces and administrative districts of the Kingdom rose by 52.33 per cent to 2,283.

116. A number of measures have been taken to ensure that everyone receives first-class health care. Measures include increasing resources in the sector, upgrading the workforce and expanding the creation of medical cities across the Kingdom. Furthermore, development programmes and health policies seek to improve the level of health services provided to the population in rural areas in order to achieve urban-rural parity in respect of

the right to health and health services. In addition, budgets have been allocated to build a number of medical cities, hospitals and primary care centres in all regions of the Kingdom. Fifteen hospitals were opened in 2013, increasing capacity by a total of 2,890 beds and in 2014, some 35 hospital projects came on stream, adding 3,650 beds. Work is underway on constructing 123 hospitals with a total of 32,000 beds, adding 24,181 to capacity. Furthermore, Supreme Order No. 3404 (24 April 2012) provides for the expansion of King Abdullah Medical City at Makkah and the establishment of King Khalid Medical City in the Eastern Province, King Faisal Medical City to serve the southern regions of the Kingdom and Prince Mohammed Medical City in al-Jawf.

117. Regarding basic immunization, coverage of the six-in-one vaccine¹⁷ is 98.1 per cent, of the poliomyelitis vaccine 98.1 per cent and of the BCG vaccine, 98 per cent; coverage of the MMR¹⁸ vaccine is 97.1 per cent and of the pneumococcal vaccine, 98 per cent. The infection rate of polio is 0 per cent per 100,000 population, whooping cough 0.003 per cent, measles 0.5 per cent, tuberculosis 7.59 per cent and neonatal tetanus 0.004 per cent per 1,000 live births.

118. Orders and decrees have been promulgated on providing medical treatment to certain groups at State expense and according them the same treatment as Saudi citizens. The most prominent of these groups are: foreign wives of Saudi citizens; children of female Saudi citizens; foreign husbands of female Saudi citizens, if under their wives' sponsorship; domestic service workers; persons under contract to the State, if their contracts stipulate medical treatment at State expense; tuberculosis patients holding a legitimate residence permit; male and female prison inmates, while serving their sentence; members of the Nasi tribes holding Yemeni nationality and resident in the vicinity of Najran and eastern and western regions during their sojourn in the Kingdom; persons with disabilities; the elderly; orphans living in State orphanages; AIDS sufferers; and pilgrims who fall ill. The Ministry of Health has issued circulars to all Ministry hospitals and health centres instructing that these groups receive treatment.

Social security

119. The Kingdom is anxious to provide its citizens with social welfare on a basis of equality and articles 21, 22 and 27 of the Basic Law of Governance promote and protect this right. Having been keen for many years to promote social welfare, the Kingdom's first Social Security Act was promulgated by Royal Decree No. 19 (18 August 1962). It was followed by the new Social Security Act, promulgated by Royal Decree No. D/45 (1 August 2006) in order to keep pace with economic and social changes. By providing social welfare, the State seeks to ensure the participation of all members of Saudi society in sustainable development programmes, transforming the beneficiaries of welfare from recipients of assistance into a productive and self-reliant group by means of production schemes. Additionally, assistance in cash and in kind is offered to persons of low incomes. A monthly allowance is paid to beneficiaries, including orphans, invalids, the elderly, women with no provider (divorcées, widows, widowed relatives of orphans, spinsters), families with a breadwinner whose whereabouts are unknown, families with no breadwinner and those who do not meet the conditions for Saudi citizenship, namely:

- Families consisting of a Saudi mother and non-Saudi father, a foreign woman married to a Saudi man or the foreign widow of a Saudi man with whom she has children;

¹⁷ Protects against diphtheria, whooping cough, tetanus, Hib, hepatitis B and poliomyelitis.

¹⁸ Protects against measles, mumps and rubella.

- Holders of mobility cards over the age of 18 who are medically attested to be physically or mentally handicapped or to have sensory disability; orphans and widowed relatives of orphans.

120. The Ministry of Labour and Social Development) offers a wide range of programmes to help the needy help themselves to make a decent life and meet their own and their families' basic needs. These programmes are as follows:

- **Lump-sum assistance programme** : a programme designed to raise the social and economic situation of beneficiaries; the sum of SAR 4.527 billion (USD 1.2 billion) has been disbursed under the programme in financial year 1436-1437 AH to date;
- **Supplementary assistance programme**: one of a system of support programmes for young people aged between 18 and 35 with low incomes;
- **Cash assistance programme for school bags and uniforms**: a programme designed to help families on welfare provide their children with school uniforms and other essentials. Assistance used to be provided in kind, with schoolbags and school uniforms distributed to families on welfare but, since the beginning of 1431-1432 AH and at the request of families, cash has been distributed to allow families to buy their children's school essentials themselves. The programme, which covers students in general education, has thus turned into a cash deposit scheme whereby an amount (SAR 240 per annum) is deposited directly in beneficiary accounts;
- **Partial payment of electricity bills programme**: a programme run in collaboration with the Electricity and Cogeneration Regulatory Authority, designed to relieve the financial burden on persons on welfare and ensure that their homes continue to be supplied with electricity. Under the programme, a part of the recipient's electricity bill is paid, the amount paid depending on the number of family members registered with the social security office and on the region (regions are divided into three: cool, moderate and hot). Approximately SAR 870 million (USD 232 million) was disbursed under the programme last year;
- **Cash assistance for food programme**: a programme run in collaboration with the Central Department of Statistics and Information, designed to help beneficiaries feed their families, meet household needs and relieve the financial burden. It takes the form of a sum of money, the amount of which is dependent on the number of family members, deposited on the tenth day of each *hegira* month;
- **Health insurance programme**: one of a number of health insurance support programmes for groups entitled to welfare (the programme has been referred to the Health Services Council for study and a decision is awaited);
- **Production projects programme**: a programme designed to lift families on welfare who are able to work and be productive out of welfare dependency by giving them training and financial support to increase their income;
- **Educational assessment and achievement test fee payment programme**: a programme designed to relieve the financial burden of families on welfare by waiving their children's educational assessment and achievement test fees; the programme covers students in the second and third years of secondary school, aged between 17 and 26.

121. As regards orphan children, a special department was established by Ministerial Decision No. 19583 (10 September 2001) to process applications to foster children of unknown parentage, with the aim of giving them a home. The Ministry of Labour and Social Development sponsors a large number of institutions providing care for juvenile boys and girls. It also provides care for the elderly through 20 institutions Kingdom-wide.

122. The Government of the Kingdom has taken a number of initiatives in support of the right to social welfare, including the regulation and registration of faith-based funds as charities providing social services to all members of society in accordance with the Charitable Societies and Institutions Regulation, promulgated by Cabinet Decision No. 107 (22 January 1990). This activity has been boosted by the creation of a general directorate of civil society organizations and institutions, in charge of regulating the efforts of individuals and groups, directing joint activity with the Government to meet the needs of society, solving social problems and making use of the capacities and abilities of individuals to improve economic and social life, raise the standard of living and create positive change in working methods and lifestyle. These organizations and institutions have developed from simple givers of financial assistance to providers of direct and indirect services that promote individual self-reliance by developing skills through programmes of education, instruction and training. Kingdom-wide, there are 591 organizations involved in a diverse range of charitable and social work.

123. A number of legislative and practical measures have been taken to promote and protect the rights of persons with special needs, including the Care for the Disabled Act – mentioned in the first part of the report – and ratification in 2008 of the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto. Furthermore, the Kingdom has signed up to the Arab Decade for Persons with Special Needs, affirming the importance of including special needs issues as an integral part of sustainable development strategies. A number of societies concerned with the rights of persons with special needs have been established, including the Disabled Children's Association and King Salman Centre for Disability Research. There are also 26 rehabilitation centres and two institutions devoted to caring for children with polio. Licenses have been granted to 16 non-governmental centres caring for persons with special needs.

124. Royal Decree No. D/37 (19 December 2000) gives the Ministry of Labour and Social Development responsibility for coordinating medical, social, pedagogical, psychological and vocational services to help persons with special needs adapt to society and for establishing centres for the severely disabled, as well as centres to rehabilitate and employ the disabled and fit prosthetic devices.

125. Care homes welcome the elderly of both sexes who are unable to work or look after themselves or who have reached the age of 60 and suffer from a physical or mental handicaps that have left them dependent. They must be free of infectious diseases and have no living relatives who might care for them. Homes are designed to approximate normal family life, where the elderly can enjoy a degree of independence and feel safe, secure and at home. Homes provide full board and lodging, social, medical and psychological care, physiotherapy and programmes of personal hygiene. Furthermore, residents may take part in suitable religious, cultural and leisure activities. Regular weekly visits, trips and excursions are organized for those who are able to take part in order to keep them in contact with the outside world and banish feelings of isolation. Each resident receives a monthly allowance. There are currently ten old age homes for men and women across the Kingdom.

126. Twelve social protection units have been established, as well as three child protection centres; there are nine charities engaged in social protection work. There are also 17 social protection committees. The provision of shelter is confined to female victims of any age or children under the age of 18 who have faced ill treatment or abuse within the meaning stipulated in the Act and its implementing regulation, in cases where these persons have no possibility of being housed with relatives.

(e) *Right to education and training*

127. Article 30 of the Basic Code of Governance stipulates: "The State shall provide public education, and shall be committed to combating illiteracy". According to article 2 of

the Adult Education and Literacy Act, promulgated by Royal Decree No. D/22 (21 July 1972), the goal is to eradicate illiteracy among all citizens from all walks of life. Article 4 requires that a comprehensive plan be devised to eradicate illiteracy, based on statistical data on numbers of illiterates and areas of concentration. Article 11 affirms that adult education and literacy programmes are to be free of charge; books, learning materials and visual aids shall also be free of charge to students during their time of study. Articles 14 and 16 charge government bodies and public institutions, as well as private companies and organizations, with eradicating illiteracy among staff in accordance with certain rules and mechanisms. Article 19 provides for the formation of a higher adult education and literacy committee the duties of which, according to article 20, include adopting a comprehensive plan to eradicate illiteracy, monitoring implementation of adult education planning policy, proposing new sources of funding for literacy projects and obtaining approval from the competent bodies. The committee shall also be responsible for coordinating the efforts of ministries, government bodies and private institutions to eradicate illiteracy.

128. Cabinet Decision No. 139 (15 June 2004) requires public education to be free of charge between the ages of 6 and 15. Article 16 of the Kingdom's media policy affirms that the Saudi media, "conscious of its share of responsibility, shall strive to eradicate illiteracy and make it a thing of the past. Acting on scientific, pedagogical bases, it shall direct an appropriate measure of its efforts toward accomplishing this task. It shall make cultural programmes appropriate to all inclinations and ages, designed to elevate human thought and sensibility". Article 233 of the Kingdom's Public Education Policy Document, promulgated by Cabinet Decision No. 779 (26-27 November 1969), affirms that all types of education shall be free of charge at all stages. Article 15, meanwhile, affirms the link between education at all stages and the country's general development plan, designed to effect a solid partnership between man and woman.

129. The Kingdom's development plan indicators show that the position of women in all spheres, including education, is continuing to improve, thereby achieving the goal enshrined in successive development plans of ensuring women's participation in development. Despite a relatively slow start to girls' education in comparison with that of boys, the pace of female enrolment at all stages of general education has steadily increased to the point where, in 2013, the ratio of enrolment stood at 93 females for every 100 males at all three stages. Furthermore, there are now 96 girls' schools for every 100 boys' schools; as regards teachers, there is an average of 111 female teachers for every 100 male teachers in general education. Note that between 2001 and 2012, the net enrolment rate of boys at primary stage rose from 84 per cent to 96.37 per cent, while the corresponding rate for girls rose from 82 per cent to 96.65 per cent. To achieve higher level of quality in education, the Ministry of Education has set about upgrading the skills of some 527,030 male and female teachers; training courses are offered on an equal basis. The following schedule shows the number of male and female teachers who have undergone training programmes:

Training programmes offered to male and female teachers (school year 2015)

<i>Item</i>	<i>Male teachers</i>	<i>Female teachers</i>
No. of training programmes	40,116	4,145
No. of male/female trainees	98,492	409,976

130. The Kingdom has a number of expatriate community schools, where the children are educated in accordance with the curricula in their own countries. These schools operate under the Foreign Schools Regulation, promulgated by Cabinet Decision No. 26 (10 June 1997). There are approximately 592,227 male and female non-Saudi students in government schools at the primary, intermediate and secondary stages of general education.

They are educated free of charge, with no discrimination between them and Saudi citizens. In 2013, there were 178 expatriate community schools licensed to operate in the Kingdom in 16 educational districts, teaching more than 100,000 boys and girls.

131. More than 20 different curricula are taught in the Kingdom, including the American, British, French, Philippine, Australian, Pakistani, Indian, Portuguese, Guinean, Malian, Japanese, Korean, Swedish, Eritrean, Turkish, German, Indonesian, Ghanaian, Italian, Greek, Sri Lankan et al. The Kingdom allows Yemeni and Syrian children to study in its schools free of charge.

(f) *Right to equal participation in cultural activities*

132. Article 29 of the Basic Law of Governance stipulates: “The State shall foster science, the arts and culture. It shall encourage scientific research, safeguard the Islamic and Arabic heritage and contribute to Arab, Islamic, and human civilization”. Article 14 of the Kingdom’s media policy affirms that the media “shall make diverse, high quality programmes designed to meet the intellectual and cultural needs of the well-educated in society by keeping them informed of scientific developments and acquainting them with contemporary intellectual trends”. Programmes are offered to all on an equal basis.

133. All the universities have a scientific research centre in each faculty with a specific budget commensurate with the field of specialization. These make scientific research available to everyone enrolled at the university. The centres are overseen by a dean – the dean of scientific research – in each university. The universities also have a number of research chairs that receive direct funding from interested businessmen and companies in areas that they, as backers, determine. A researcher retains the right to the product of his research, which is registered at King Abdulaziz City for Science and Technology in his name in case a patent or other moral right – scientific, literary or technical – is filed.

134. Article 2 of the Copyright Act, promulgated by Royal Decree No. D/41 (30 August 2003), states that the Act is designed to provide legal protection for the authors of original works in the fields of science, literature and the arts, irrespective of type, means of expression, importance or purpose. Article 8 affirms that the author(s) of the work shall own the rights provided for in the Act. The author shall have the right to take any of the following actions, in accordance with the nature of the work: attribute the work to himself; resist any infringement of right; object to any alteration, distortion, amendment or change to his work; exercise his right to publish, record, exhibit, copy or translate his work; and exploit his work for financial gain by any legitimate means. Article 22 of the Act stipulates that any person who violates authorial copyright shall be subject to a fine or closure of the business or printing press involved in the copyright violation for a period of not more than two months. The Act affirms the right of an aggrieved author to compensation.

135. In all regions of the Kingdom, there are a number of cultural and artistic societies, including the Saudi Arabian Society for Culture and Arts, founded in 1975, which serves the community of intellectuals, actors and artists; the Philatelic and Numismatic Society, founded in 1979; the Saudi Art Association, founded in 1990; the Saudi Theatre Association, founded in 2002; the Arabic Calligraphy Association, founded in 2007; the Cartoon Society, founded in 2008; and the Saudi Photography Association, founded in 2009. There are also 16 literary clubs and 84 public libraries across the country. The Kingdom holds several cultural events under the supervision of the Ministry of Culture and Information and certain other bodies. These include:

- Riyadh International Book Fair, a ten-day annual event that attracts people from all walks of life;
- Janadriyah Heritage and Culture Festival, held annually;

- World Arabic Language Day, an annual event for those concerned with the Arabic language;
- World Poetry Day, on which events are held in public libraries for those interested in Arabic poetry;
- World Library Day, an annual celebration of public libraries;
- International Literacy Day, honouring elderly people who have obtained literacy certificates;
- Annual book fair, held during the pilgrimage;
- Art exhibitions, in which school pupils and amateur painters take part; held in public libraries and cultural centres;
- World Storytelling Day, an annual event held in conjunction with a book fair;
- Numerous events and activities arranged by the Ministry of Culture and Information at the King Fahd Cultural Centre, including free theatrical performances and exhibitions by persons with special needs.

(f) Right of access to places of service

136. The laws of the Kingdom contain no discriminatory restrictions on access to places of public service, including public transport and other facilities managed by public organizations or private companies in accordance with regulations that govern these facilities in a non-discriminatory manner. Regarding theatres, the Ministry of Culture and Information, in cooperation with governmental and non-governmental bodies, puts on plays that are open to everyone. These play an important role in promoting and protecting the right to equality and combating racial discrimination.

Article 6

137. Article 47 of the Basic Law of Governance stipulates: “The right of litigation is guaranteed equally for citizens and residents of the Kingdom. The law shall clarify the measures to be taken for this purpose.” In 2007, the Kingdom undertook to develop the judiciary, promulgating the Judiciary Act and Board of Grievance Act (i.e. the administrative judiciary). These contain several provisions, in particular:

- Affirmation of the principle of judicial independence: Act 1 of the Judiciary Act stipulates: “Judges are independent and, in their administration of justice, are subject to no authority save the provisions of Islamic sharia and the legislation in force. No one may interfere with the administration of justice”;
- Establishment of the principle of three levels of litigation: Article 9 of the Judiciary Act states that the court system is composed of the following: (1) the High Court, (2) the courts of appeal and (3) the courts of first instance, which themselves consist of the general courts, criminal courts, personal status courts, commercial courts and labour tribunals;
- Board of Grievance courts consist of (1) the Higher Administrative Court, (2) the administrative appeal courts and (3) the administrative courts.

Note that, to facilitate litigation procedures and make the process easier for citizens and residents alike, no fees are charged for bringing an action before the courts. This guarantees human rights and promotes justice. Furthermore, court procedure does not require that a case be brought by a lawyer or attorney.

138. Regarding procedures in compensation cases, the law guarantees that any person who has suffered harm, as well as his heirs and successors, may claim compensation from the State, given that the State is responsible for the actions of its employees. Article 16 of the Criminal Procedure Act states that the victim, his representative or his heirs and successors have the right to initiate a criminal action in all cases involving a private right and to pursue any such action before the competent court. The court in this case shall summon the Public Prosecutor to attend. Article 147 of the Act stipulates that a victim and his heirs and successors are entitled to claim his private right before the court hearing the criminal case at any time during the proceedings, even if the claim was rejected during the investigation. The administrative courts are competent to hear compensation cases brought against government bodies. Thus article 13(c) of the Board of Grievance Act stipulates that the administrative courts are competent to hear claims for compensation for decisions or actions of an administrative body brought by the person concerned. Furthermore, the Board has issued compensation rulings against officials on the basis of Royal Decree No. 43 (1958), article 3 of which stipulates that anyone convicted of having caused harm to another shall be required to pay appropriate compensation to his victim. Furthermore, article 207 of the Criminal Procedure Act states that an acquittal delivered pursuant to a petition for reconsideration must, if the acquitted person so requests, include moral and material compensation to mitigate the harm suffered.

139. The first instance and appeal boards competent to hear violations of the Printed Materials and Publication Act issued 76 rulings for compensation, amounting to SAR 1.95 million (equivalent to USD 520,000) in the period 2014-2016 in favour of natural and corporate persons in cases of defamation and inciting sectarianism.

140. Under article 5(7) of its charter, the Human Rights Commission is competent to receive and ascertain the veracity of human rights-related complaints and take appropriate statutory measures. Furthermore, article 11(c) states that the competence of the complaints reception department includes looking into and ascertaining the veracity of complaints submitted by individuals, institutions and organizations relating to human rights issues prior to forwarding these to the appropriate department of the Commission. Under its charter, the National Society for Human Rights – a civil society institution – receives and follows up complaints with the appropriate bodies and verifies claims of human rights-related violations and abuses.

Article 7 and concluding observation No. 13

(a) Human rights education¹⁹

141. A National Human Rights Education Committee, drawn from ten government agencies, has been formed. The Committee has adopted a national human rights education plan and published a human rights teaching guide, which have been circulated to all institutions, schools and universities. Furthermore, it has published a human rights matrix guide for use in academic curricula and conducted diagnostic surveys to ascertain the status of human rights in school curricula. In addition, training programmes have been developed for human rights educators, with separate human rights course material allocated for use in higher education institutions; international humanitarian law has been incorporated in the curricula of advanced studies programmes. Several human rights teaching principles have been adopted, including:

- Promotion of human rights education through extracurricular and media activities;

¹⁹ This information covers part of the Committee's concluding observation No. 12.

- Inclusion of content drawn from human rights principles (such as equality, justice and tolerance);
- Incorporation of general concepts in human rights curricula.

142. The second phase of the Human Rights Culture Dissemination Programme, established by Supreme Order No. 8628 (13 October 2009) has been implemented. A number of government agencies take part in the programme, each one with its own plan based on key principles, namely that the plan must contribute to implementation of the Kingdom's commitments under the conventions which it has ratified, it must be relevant to problems of human rights violations and erroneous practices and it must focus directly on human rights content and standards. These plans will pave the way for a comprehensive, national plan for disseminating the culture of human rights over the widest possible range.

143. The Human Rights Commission has convened many seminars and workshops, including a workshop in 2011 for judges, members of the Bureau of Investigation and Prosecution and lawyers in various cities across the Kingdom, seminars on human trafficking in 2011 and 2012 and a special workshop on international human rights conventions in 2010. Numerous articles have appeared in the media on the subject of women, children and female domestic workers and instructional booklets and brochures have been published. The Commission also participates regularly in exhibitions, such as the Janadriyah Heritage and Culture Festival, and observes international days, such as Human Rights Day and International Women's Day.

144. In 2012, a memorandum of understanding on technical cooperation was signed by the Kingdom of Saudi Arabia and Office of the High Commissioner for Human Rights. This sets out a number of important objectives, including: strengthening the capacities of Saudi specialists in international human rights law, particularly in relation to United Nations instruments and the work of specialized international organizations; designing, developing and implementing special human rights training programmes inside the Kingdom and abroad; designing manuals for staff of human rights bodies; and holding specialist seminars and courses on human rights. In 2013, a memorandum of understanding was signed between the Ministry of Foreign Affairs and the United Nations to provide expert assistance in the field of human rights in order to build expert capacities in international human rights law in the Kingdom, particularly within the framework of the United Nations Young Professionals Programme. Numerous seminars, courses and workshops have been held, addressing a number of subjects, including:

- The successful experience of other countries in combating human trafficking (March 2014); target group: government officials;
- International mechanisms to protect human rights (March 2014), target groups: government officials, lawyers and representatives of civil society institutions;
- Convention on the Elimination of all Forms of Discrimination Against Women (March 2014); target groups: government officials, including the government committee responsible for preparing this report;
- Training human rights instructors (1) (December 2014); target groups: government officials and representatives of civil society institutions;
- Training human rights instructors (2) (February 2015); target groups: government officials and representatives of civil society institutions;
- Ways and means of documenting and monitoring the human rights situation (June 2015); target group: researchers of both sexes at the Human Rights Commission;
- The role of civil society in monitoring and documenting human rights cases in Saudi Arabia (August 2015); target group: civil society institutions;

- Training workshop on preparing periodic reports on the International Convention on the Elimination of All Forms of Racial Discrimination (September 2015); target group: members of the standing committee responsible for reporting;
 - Report on an instructional seminar on the Convention on the Rights of the Child (October 2015); target groups: government officials, representatives of civil society institutions and students;
 - *Toward a national vision for human rights education in the Kingdom of Saudi Arabia* December 2015); target group: government officials.
145. The General Authority for Sports uses the interest in sport of young people, who represent the largest component of Saudi society, to teach them about human rights at sports clubs and sporting activities and events. Koranic verses, hadith and instructional messages aimed at protecting and promoting human rights are displayed on match screens and hoardings at competitions, tournaments and other events.
- (b) Culture and information²⁰**
146. The media plays an important role in forming and directing public opinion. Accordingly, the Saudi media are keen to instil values derived from Islamic sharia, promote equality and combat all forms of racial discrimination, in implementation of the provisions of the Basic Law of Governance and other relevant laws. Article 39 of the Basic Law of Governance states: “The media and all means of expression shall use polite language and abide by the laws of the State. They shall contribute to educating the nation and supporting its unity. Whatever leads to sedition or division, undermines the security of the State and its public relations or offends human dignity and rights shall be prohibited. The law shall clarify how this is to be achieved”. Article 12 states: “Promoting national unity is a duty and the State shall prevent whatever leads to disunity, sedition and division”. The Saudi media seek to promote understanding, tolerance and friendship between the members of society, disseminate the principles of human rights, promote the culture of dialogue and oppose any form of bias that may encourage racial discrimination. Article 27 of the media policy and article 9(4) of the Printed Materials and Publication Act affirm these principles.
147. The Ministry of Culture and Information oversees 16 literary clubs and 84 public libraries across the country, as well as seven cultural and artistic societies, all of which contribute to raising the level of socio-cultural awareness, understanding and tolerance. Between 2010 and 2014, some 167 cultural events were organized. Furthermore, the Printed Materials and Publication Act (see part 1 of the report) allows non-Saudis to print and distribute foreign newspapers and magazines in the Kingdom, under certain rules. Some 29 newspapers and 575 magazines in various foreign languages are printed in the Kingdom.
148. One of the most important functions of the Saudi media is to spread the culture of human rights based on international human rights standards. Accordingly, the media have run campaigns designed to provide information on human rights conventions, broadcasting programmes and seminars in which groups of human rights experts and specialists have taken part, while the newspapers have been full of reports, investigations and articles dealing with human rights issues.
149. Everyone who works in the media has to undergo high-level professional training, pursuant to article 28 of the Kingdom’s media policy, article 2(2) of the Newspaper Establishments Act and article 5(10) of the Saudi Broadcasting Corporation Regulation.

²⁰ This information covers part of the Committee’s concluding observation No. 12.

Moreover, governmental and non-governmental human rights institutions, such as the Human Rights Commission and National Society for Human Rights, hold seminars and training courses designed to raise the capacities of media workers in the field of human rights.

150. Many human rights-related television and radio programmes have been broadcast. These include, for example: "Strategic themes", "Returning to the truth", "Bridges", "The link" and "Hotline". These programmes are designed to promote awareness of human rights, including equality and non-discrimination and to explore certain human rights issues. Furthermore, sports programmes, which attract youth viewers, who represent the overwhelming majority of Saudi society, spread the culture of tolerance and co-existence and repudiate all forms of racism.
